

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
:
30TH STREET CRESCENT, LLC : Case No.
MAP AMENDMENT @ SQUARE 4376 : 11-19
:
-----:

Thursday,
February 23, 2012

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No.
11-19 by the District of Columbia Zoning
Commission convened at 6:36 p.m. in the
Jerrily R. Kress Memorial Hearing Room at 441
4th Street, N.W., Washington, D.C., 20001,
Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD W. SCHLATER, Vice Chairman
GREG M. SELFRIDGE, Commissioner
MICHAEL G. TURNBULL, FAIA, Commissioner
(OAC)
PETER MAY, Commissioner (NPS)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation
MAXINE BROWN-ROBERTS

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JACK KORBA
ELIOT KRIVISKI
MARTIN PARKER

The transcript constitutes the
minutes from the Public Hearing held on
February 23, 2012.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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LLC - Map Amendment @ Square 4376

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P-R-O-C-E-E-D-I-N-G-S

6:36 p.m.

CHAIRMAN HOOD: We are ready to get started. Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission for the District of Columbia for Thursday, February 23, 2012.

My name is Anthony Hood and I'm going to ask the Commissioners to introduce themselves first. Then I'm going to ask Ms. Schellin to start from my left and we'll end with the Office of Planning and DDoT to my right.

Ms. Schellin.

MS. SCHELLIN: Yes. I am Sharon Schellin, Secretary to the Zoning Commission for the Office of Zoning.

COMMISSIONER TURNBULL: Michael Turnbull representing the Architect of the Capital.

VICE CHAIR SCHLATER: Konrad Schlater, mayoral appointee.

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COMMISSIONER COHEN: Marcie Cohen,
mayoral appointee.

COMMISSIONER MAY: Peter May
representing the National Park Service.

CHAIRMAN HOOD: Ms. Steingasser.

MS. STEINGASSER: Jennifer
Steingasser, Office of Planning.

MS. BROWN-ROBERTS: Maxine Brown-
Roberts, the Office of Planning.

MR. KORBA: Jack Korba
representing DDoT.

MR. PARKER: Martin Parker
representing DDoT.

MR. KRIVISKI: Eliot Kriviski
representing DDoT.

CHAIRMAN HOOD: Thank you very
much.

This proceeding is being recorded
by a court reporter and is also webcast live.

Accordingly, we must ask you to refrain from
any disruptive noises or actions in the

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hearing room.

The subject of this evening's hearing is Zoning Commission Case No. 11-19. This is a request by 30th Street Crescent, LLC for approval of a map amendment, special exception, and variance from property located in Square 4376.

Notice of today's hearing was published in the *D.C. Register* on January 6, 2012. All copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with the provisions of 11 DCMR ' 3022 as follows: Preliminary matters, Applicant's case, report of the Office of Planning, report of other government agencies if any, report of the ANC-5B, organizations and persons in support, organizations and persons in opposition, rebuttal and closing by the Applicant.

The following time constraints

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will be maintained in this meeting: The Applicant, 60 minutes, if needed; organizations, 5 minutes; individuals, 3 minutes. The Commission intends to adhere to the time limits as strictly as possible in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits of presentations if necessary and notes that no time shall be ceded.

All persons appearing before the Commission are to fill out two witness cards.

These cards are located to my left on the table near the door. Upon coming forward to speak to the Commission, please give both cards to the reporter sitting to my right before taking a seat at the table.

When presenting information to the Commission, please turn on and speak into the microphone, first stating your name and home address. When you are finished speaking, please turn your microphone off so that your

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microphone is no longer picking up sound or background noise.

The decision of the Commission in this case must be based exclusively on the public record. To avoid any appearance to the contrary, the Commission requests that persons present not engage the members of the Commission in conversation during any recess or at any time. In addition, no email or other written correspondence concerning this matter should be sent directly to any Commissioner. I'm going to read that again.

In addition, no email or other written correspondence concerning this matter should be sent directly to any Commissioner. Any such material that is received will be discarded without being read. The staff will be available throughout the hearing to discuss procedural questions.

Please turn off all beepers and cell phones at this time so not to disrupt these proceedings.

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Would all individuals wishing to testify please rise to take the oath?

Ms. Schellin, would you please administer the oath?

MS. SCHELLIN: Please raise your right hand.

(The witnesses were sworn.)

MS. SCHELLIN: Thank you.

CHAIRPERSON HOOD: At this time the Commission will consider any preliminary matters. Does the staff have any preliminary matters?

MS. SCHELLIN: Just to advise that the Applicant has handed out this evening two additional resumes for experts that they want to consider, plus the ones that you previously got. We have already received the affidavit of maintenance. It is in order.

CHAIRMAN HOOD: Okay. We have no party status requests. At least I didn't see any.

MS. SCHELLIN: Correct.

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CHAIRMAN HOOD: Great.

Mr. Freeman, how are you?

MR. FREEMAN: Great.

CHAIRMAN HOOD: Good. Let's go through the proffered experts.

MR. FREEMAN: Good evening, Chairman Hood. Our experts tonight will be Ms. Pamela Bundy Foster, seated to my immediate left, as an expert in real estate development. Her resume and bio was included in our submission materials previously filed.

Mr. Sean Pichon will be an expert in architecture and design. His resume was submitted tonight.

Initially Jeff was going to be our witness, Jeff Goins of PGN Architects, was going to be our witness but Sean is tonight which is why we submitted his resume tonight.

He has appeared before both the BZA and the Zoning Commission in a number of cases and has been accepted by both of those bodies as an

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expert.

Mrs. Jami Milanovich, who you all are familiar with, and her resume was included in our 20-day submission.

Mr. Steve Sher, to my right, will be an expert in zoning and land use.

Mr. Kyle Oliver, whose resume was included in our 20-day submission, and he has appeared before the Zoning Commission and the BZA as an expert in civil engineering.

Mr. Doryan Winkelman whose biography was included in our submission tonight. We would like to have Mr. Winkelman be qualified as an expert in real estate development and finance as well. We've added his bio tonight in response to some of the comments we've seen in the recent letters that have been filed in the record.

CHAIRMAN HOOD: So, Mr. Freeman, if I have this correctly, it looks like everyone has been proffered as an expert witness in front of the Commission previously

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with the exception of Ms. Bundy and Mr. Winkelman.

MR. FREEMAN: Yes, sir.

CHAIRMAN HOOD: Is that correct?

MR. FREEMAN: That's correct.

CHAIRMAN HOOD: Okay, Commissioners. I think we can agree on all those. We've already previously accepted them. I think the issue becomes do we want to proffer Ms. Bundy as a real estate development and also Mr. Winkelman as real estate development. I'll open it up for any discussion.

Commissioner May.

COMMISSIONER MAY: The only question this raises for me, and I think I've raised this question before, and I don't recall the answer, frankly, since it's been awhile, but the Applicant being proffered as an expert. I'm not sure whether that's really what we should be doing.

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I don't disagree with the qualifications on any grounds. I just think it seems a little odd to me that the Applicant herself in this circumstance should be considered an expert in giving this testimony.

I know it's happened before and I know we probably have accepted it in the past.

It always strikes me as a little odd. I'm interested in hearing what other Commissioners have to say.

CHAIRMAN HOOD: I'll just interject right quick. I think you're exactly right, Commissioner May, and I recall us not doing that. I think we did not do that for that very reason of being the Applicant.

Does anyone disagree with our way of moving thus far? Okay. We will not proffer Ms. Bundy as an expert. Again, not taking anything away from her credentials but we typically don't proffer the expert -- I mean, the Applicant as an expert because it's their case.

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I think that is precedent and we have already done that in the past. Actually, it doesn't usually happen, Mr. Freeman. This is the second time in my 14 years of being down here that I remember. I can guarantee you that. I'm sure you'll go find some order but it probably doesn't have my name on it.

What about Mr. Winkelman?

COMMISSIONER TURNBULL: Well, isn't he a member of the same company?

CHAIRMAN HOOD: So you are proffering them both together?

MR. FREEMAN: We are but we understand that neither of them will be an expert witness.

CHAIRMAN HOOD: Unfortunately, unlike my colleagues, I haven't had time to read. So Mr. Winkelman works with Ms. Bundy?

MR. FREEMAN: Yes.

CHAIRMAN HOOD: Okay. Same thing applies.

Okay. Anything else, Mr. Freeman?

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MR. FREEMAN: That's it on our experts.

CHAIRMAN HOOD: Okay.
Commissioners, do we have anything?

Ms. Schellin, are we ready to start?

Okay, Mr. Freeman. You can begin.
Do you need the whole 60 minutes?

MR. FREEMAN: We will try to be as succinct as possible.

CHAIRMAN HOOD: I don't want you to rush but we want you to hit the high spots.
You may begin.

MR. FREEMAN: Good evening, again.
Kyrus Freeman. I'm a partner with the law firm of Holland & Knight here on behalf of the applicant. As Chairman Hood noted, we are here this evening seeking four approvals.

One is a map amendment to rezone the subject property from R-1B to R-5A. Two, special exception review pursuant to Section

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353 of the Zoning Regulations. Three, special exception for 2516. And, four, a variance for relief from a number of the area requirements.

I have here and I'm happy to submit tonight if necessary, and it's important to note because this has come up in a number of the submissions, the amount of relief that we are asking for in this case is very similar to and consistent with the amount of relief that has been reviewed and approved by the Zoning Commission and the Board of Zoning Adjustment in a number of cases.

For example, the EYA Hillcrest Homes case, 6000 New Hampshire Avenue, the W Street case, and Polland PUD project. And at least one has been upheld on appeal by the D.C. Court of Appeals.

We are going to hit the highlights tonight but to the extent we miss anything, all of our documents included in the record clearly indicate how we meet the standards including our application, our prehearing

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statement, and our supplemental materials marked as Exhibits 13, 19, and 27 respectively.

Again, we're not going to go through every page of those materials but we just want to make sure you know that they're there.

As you know, the Office of Planning has submitted at least three reports, two set-down reports and one final report, recommending that the Zoning Commission hear this case and ultimately recommend that it be approved.

The Department of Transportation as also submitted a report recommending approval of the application subject to some conditions and we have the report tonight that we've incorporated all of those conditions into the project so you'll see those tonight and we'll move past that.

Given the number of people here this evening, it's pretty obvious that there

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is a lot of interest out in the community about this application so we are happy to be here to kind of present our application in a full and fair light and answer any and all questions.

So what you'll hear Ms. Bundy testify in a minute is about the fact that she's been working since 2008, for a very long time, and has had a number of meetings to present the plans to the community and try to incorporate as many comments as she could. You'll hear her talk about this tonight.

You'll hear our architect talk about from a design perspective how they try to incorporate as many features as they can in terms of materials, colors, roof lines, etc., in order to make the project compatible. Compatible, as you all know from other cases, doesn't mean exactly the same.

You can be compatible in a number of ways. We'll submit that our project is compatible, particularly given the uniqueness

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of our site and the practical difficulties associated with developing this site.

You'll hear Ms. Milanovich talk about the studies she's performed, our meetings with DDoT, and her conclusions that our project will generate a nominal amount of traffic in that the project includes a sufficient amount of parking for the project.

You'll hear Mr. Sher talk about how we meet all of the standards for relief, how our project is consistent with the Comprehensive Plan designation of the property as moderate density residential. I think that's important to note. Our site is moderate density residential on the comp plan. Again, you will hear him go through how we meet all of the standards.

We have Kyle Oliver here from VIKA who is prepared to testify or answer any questions about how we meet all applicable fire department regulations, D.C. WASA regulations, storm water management, civil

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engineering. All of those issues have been reviewed and addressed in the preparation of our plans.

Members of the Commission, I'm going to wrap up here but, again, all of our evidence and testimony presented tonight will, in our view, clearly demonstrate that the applicant has worked hard to present a great project given the site constraints and that we meet all the applicable standards for the map amendment and the special exception and variance relief that we are requesting.

With that, I would like to turn it over to Ms. Bundy Foster.

MS. BUNDY FOSTER: Good evening and thank you for having us. We are here tonight to introduce a new residential development program. The development will bring 26 new moderate homes into the District.

BDC has listened to the neighborhood and included their feedback into the design of the project to the greatest

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extent possible. The development would have a positive impact on the neighborhood.

The development would support the District goals of providing homes to local working families. BDC has complete control of the site and is ready to move forward. BDC is seeking your support.

A little bit about my company. I started in 1996. I would consider myself a leading minority female developer here in the District of Columbia. I have developed and co-developed about 1,400 homes in the District.

To emphasize some of my past projects, we can start with the Castle on Logan Circle; the Icon on Logan Circle; City Vista; City Center, Washington, D.C.; 7th Street as well as 6th Street Flats in Chinatown.

Just to go over the evolution of the project, I did a feasibility study back in 2007 which was the fourth quarter, and at that

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time met with council members and had two meetings with the neighborhood.

In 2008 I actually closed on the project which was the first quarter of 2008 and at that time introduced a development program that would consist of about 44 units and also had three neighborhood meetings. In 2009 we did not meet at all and I think we all know why we didn't have any activity in 2009.

In 2010 we had four neighborhood meetings and at that time I took all the feedback and all the different issues and concerns. The first quarter of 2011 I decided to redesign the program and redesign the development and we reduced it from 44 to 27 to 31 and, at that time, increasing the parking to 18 spaces.

At that time we also had a neighborhood canvas and we went from home to home to home, house to house to house. Also at that time we also engaged Wells and Associates and we had three neighborhood

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meetings during the first half of 2011.

The second half of 2011 we went back to the drawing board and decided to redesign the entire project and we reduced it from 44 to 26 units with 42 parking spaces. That would include 30 zoning spaces as 12 additional driveway spaces. We also had two neighborhood meetings.

First quarter. This is where we are right now, first quarter of 2012. We have met with the ANC. We've met with the gateway community, as well as with DDoT, the Office of Planning, and other interested parties.

Just to give you a recap of where we are today in terms of where we started in 2007/2008, at the time the initial design was 44 units, eight to 11 spaces, parking spaces.

The site plan was pretty congested and wasn't very open to the rest of the community.

The architectural character at that time was too contemporary. Where we are today in terms of a final design, we are at 26

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units, 21 parking spaces -- visitor parking spaces, pedestrian friendly. Each unit has its own useable outdoor space and we are reflective of the historical and neighborhood character.

Project impacts and benefits. I would like to first say this is designed to attract working families into the District, those who have been restricted due to price points and who have been out of the working hub, so on and so forth.

I would also like to say that this project is very much in line with the mayor's objectives and that is to continue to maintain and to bring work force housing into the District of Columbia. I would like to say it is family friendly. It is designed with family and children in mind.

Site improvements. I would like to say this project site has been overgrown, has been vandalized, and has been a major attraction for dumping for the last -- ever

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since I've owned it and prior to my ownership.

This will bring a new street as well to the existing new infrastructure. This will also attract new homes in a quiet, safe, and residential neighborhood.

In summary, I have been working with PGN Architects and VIKA Capitol Engineering to develop a project that is attractive, blends with the neighborhood, efficiently uses the site despite the numerous challenges.

BDC has also responded to the neighborhood and the community concerns to the greatest extent possible and has redesigned the project multiple times to incorporate neighborhood feedback regarding unit count, parking, traffic concerns, architectural character.

We feel that 30th Street totally addresses the objectives for the city which is to provide quality design, work force, and affordable housing. Again, we seek your

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report and thank you for having us tonight.

MR. FREEMAN: Now we'll have our architect the plans. He is just going to highlight the plans but obviously you have a copy of a full set of plans and you have a copy of the PowerPoint as well.

MR. PICHON: Good evening, members of the Commission. My name is Sean Pichon. I'm with PGN Architects, a principal with the PGN Architects. PGN Architects have done numerous projects throughout the District over the years, major PUD cases as well as BZA and HPRB cases.

We are pleased to present 30th Place design tonight as we have worked very hard to come up with a character that is representative of high design and useable space.

The project is located along Bladensburg Road and South Dakota tucked in the Gateway neighborhood off of 30th Place and Adams Street. We are surrounded by -- we are

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in the R-1-B District surrounded by C-M-1 commercial uses and residential neighborhoods around most of the site.

The character of the neighborhood, there are low-scale and industrial uses to one side and the other side of the site is single-family detached houses, two-story in nature, mostly up on plateaus or berms up off of the street grade.

This slide shows the existing condition of the site itself. It is heavily wooded. Here are shots showing the entrance into the site off of 30th Place and the existing alleyway that backs up to the existing homes along 30th Street.

The adjacent properties here displays some of the character of the existing neighborhood. You can see in the photograph No. 4 the way the houses sit up on a berm three to four feet above the sidewalk and street grade. Then the houses themselves are two stories with gable roofs, porches, large

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columns, dormers, and the like.

As you go further out into the neighborhood within walking distance of the site you begin to see a variety of architectural character in the houses. There are some semi-detached houses along the adjacent streets.

There are some newer developments that have taken place that are three-story in nature but still resemble some of the characters of front porches, gable roofs. And then the more historic long-term housing that are more bungalow style with dormers and porches with large columns out front.

We took cues from the existing neighborhood in our design. We've incorporated porches, large columns supporting the porches. We also incorporated a variety of roof lines as we went through the different types of the housing types along the street. We used color to add interest to the street facades. We used repetitive gables, elevated

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porches, and stoops up to the houses, the front entrances, to accentuate the facades of the houses.

As we set out to design this project, we first looked at this site as sort of a transition from the commercial industrial uses to the single family detached houses. What we've done is we've positioned the houses in our development to sort of work from the industrial developments down to the single-family existing houses.

We have also added in a sidewalk to connect to 30th Street along 30th Place that connects all the way back to our development and provides walkability throughout our site out to the neighboring streets.

We have also incorporated a 25-foot drive that goes through the site and connects to the existing alleyway which we have widened from 15 feet to 20 feet. This allows for the circulation of traffic of fire

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and emergency vehicles and trash trucks to easily maneuver through the site.

We were also very considerate to the relationship to the existing houses. These site sections show in diagrammatic form how our new proposed buildings will relate to the existing housing along 30th Street.

The two-story houses along 30th Street are in most cases sitting up four feet above -- three to four feet above the street grade. Our houses are -- we've held the taller houses away from the existing houses and kept those towards the industrial uses as sort of a buffer away from the community. We have kept our lower scale buildings closer to the existing houses.

One of the things we would note from our previous submission is that we've incorporated front-loaded townhouses which has caused us to lower in total our development. We are three to four -- three to seven feet lower in terms of our height from our original

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submission to the Commission.

Our setbacks from the existing houses are anywhere from 75 to 85 feet rear to rear. The rear of our houses are more than 70 feet away from the rear of the existing houses.

In terms of architectural character, again we took cues from the neighborhood. We took time to design porches with colonnades that resemble some of the bungalow-style houses that are in the neighborhood existing.

We took cues on the cable roofs, the dormers that exist along the existing housing. We've also taken some of the colors and character of the houses that exist and tried to incorporate some of the colors and have a play on colors along the facades to break up the monotony along the street.

We've also took -- we've taken some of the roof details, the eaves, the brackets from the existing houses and

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incorporated some of those as part of our roof lines and structures.

The houses along the -- I'm sorry.

One other point I would like to make on the houses that face the existing housing. We have actually taken a lot of time to enhance the details on the rear of the houses so the facades that are facing the existing housing we've incorporated a lot of the same details that we would on the front of the houses onto the rear so that it would provide some more interest to the neighboring houses.

The houses that are facing against the industrial use, these are our front-loaded townhouses. We have pull-in garages at the base. We have elevated stoops. We've maintained some of the character of the gables in the brackets at the roof line.

On the rear of the houses you have walkout basements. At the top floor you have a roof deck off of the top floor bedroom to help to break down the scale.

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We also have another type that is more of a two-story house that relates a little bit more to the existing housing along the 30th Street. We've incorporated a mix of housing types and heights and styles of houses throughout the neighborhood.

Our material board shows that we are using asphalt shingles. We are using some fypon molded corner slides. Siding is our main material on the facades of the houses. Fypon trim boards, CMU base, and the various colors that the siding can be painted are represented here.

This next slide shows the houses -- the pull-in front-loaded houses that have the garages at the base. We also have incorporated some useable parking space in front of the garage so that can be used for visitor parking as well.

We also have maintained green space in the rear of the houses. There is some green space in the front of the houses

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incorporated with the steps and stoops.

Again, this is a more detailed look at this housing type. It shows the elevated stoops, the pull-in garage, the siding. We've also played with the siding and the direction of the siding on the facades to break up the scale of the building.

I won't bore you with the internal details of the houses but this, again, shows the smaller-scale two-story houses that we have on one side of the site. Same approach in terms of material siding, CMU base, and the corner slides.

This next slide shows the houses that are most directly facing the adjacent neighbors. What we've done here is we've played with the setbacks of the houses to allow for some open space to exist in front of the houses. We've also incorporated large porches. All these houses have rear parking pads behind them for parking, as well as the visitor's parking on the street.

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Again, this is repetitive. We've shown some of the internal workings of the houses. We've also had to incorporate some retaining walls because of the slopes of the existing site. This depicts the intended retaining wall images that we will be incorporating.

We have also taken the time to look at our green initiatives. We are looking to provide a compact development, energy star appliances and lighting, high-efficiency, high SEER rated HVAC system, windows, low VOC paints. We are also incorporating storm water management throughout the site and water reuse in terms of rain barrels collecting roof drainage that can be reused for watering the garden.

Thank you.

MS. MILANOVICH: Good evening, Chairman Hood, members of the Commission. My name is Jami Milanovich with Wells and Associates. We are the traffic and parking

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consultants retained for the project that is before you this evening.

The proposed residential development would not be a significant traffic generator. The 26 units would generate just 18 trips during the morning peak hour and just 20 trips during the afternoon peak hour. As such, it would not have a significant impact or a measurable impact on the traffic operations in the neighborhood.

In terms of parking, code requires one parking space per unit which would result in 26 parking spaces for the entire development. As proposed, 30 code compliant parking spaces would be provided. Thirteen units would have a single car garage. Eight units would have a surface parking space on the lot. Nine spaces would be provided on the private streets that serve the development.

Additionally, 12 of the units would have driveways that could accommodate an additional vehicle. Although these spaces

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cannot be counted towards the code requirements as a practical matter, the development would have a total of 42 parking spaces, or 1.62 spaces per unit.

In order to determine the adequacy of this proposed parking supply we examined census data for the area. Based on this data owner-occupied households in the area have on average 1.35 vehicles per household.

Because this data included a large number of single-family homes, we also examined a subset of the data that included an area that is almost entirely comprised of townhouses or garden-style units. In this subarea owner/occupied households had on average 1.21 vehicles per household.

Based on this evaluation we believe the proposed parking supply would be adequate to accommodate the day-today parking demand of the proposed residential development.

Although spill-over parking in the

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adjacent neighborhood is not anticipated, at the request of DDoT we conducted a parking study to evaluate the parking impacts resulting from people who potentially may park on the neighborhood streets. The study looked at the existing inventory and demand in the neighborhood. The area that we studied is shown on this slide in yellow.

Counts were conducted during a weekday evening from 5:00 p.m. to 11:00 p.m. and on a Saturday from noon to 3:00 p.m. and from 6:00 p.m. to midnight to coincide with the time when the parking for residential is at the highest -- I'm sorry, the parking demand for residential is at the highest.

During the weekday count period the peak evening demand occurred when just 31 percent of the on-street parking supply was occupied. During the weekend count period the peak parking demand for the entire study area occurred when just 32 percent of the on-street parking supply was utilized.

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We also looked at the four blocks immediately adjacent to the proposed site, two blocks on Adams Street, two blocks on 30th Place. When we looked at those four blocks, the parking demand increased just slightly.

The peak weekday parking demand for the four blocks immediately adjacent to the site occurred when just 43 percent of the on-street parking supply was occupied. The peak weekend demand for the four blocks immediately adjacent to the site occurred when just 49 percent of the on-street parking supply was occupied.

Although spill-over parking into the adjacent neighborhood is not anticipated, the results of the parking evaluation show that the on-street parking is currently under utilized and any spill-over parking that could occur would not significantly impact the existing residents.

In conclusion, we are pleased to have DDoT support and note that DDoT agrees

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that the proposed redevelopment would not adversely impact traffic or parking in the neighborhood. We also note that we have incorporated each of DDoT's requests.

A sidewalk has been incorporated into the plans along the east side of 30th Place to connect to the adjacent residential neighborhood for pedestrians. The sidewalks within the development are ADA compliant. At the request of DDoT two bicycle racks have been incorporated into the design of the project.

With that I'll turn it over to Steve Sher.

MR. SHER: Mr. Chairman, members of the Commission, for the record my name is Steven E. Sher, the Director of Zoning and Land Use Services with the law firm of Holland & Knight.

As has been said before, we are here asking for two different kinds of actions. In the first place, to have the

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property rezoned from its existing zoning which is R-1B to the R-5A district which is what we propose.

Then, secondly, under the R-5A district we've asked for relief from some of the normal requirements of that district through two special exceptions and bunch of variances and I'll discuss those in a little more detail.

But to start first with the change in zoning. The most pertinent standard for the Commission to evaluate is whether the change in zoning would be not inconsistent with the Comprehensive Plan. The current Comprehensive Plan future land use map designates this site in the moderate density residential category.

The framework element of the Comprehensive Plan suggest that the zoned districts, which are normally applicable to moderate density, start with R-3, R-4, R-5A, and go up to R-5B.

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As I said before, we are asking for R-5A which is in the middle of that range of districts, but the density that we are proposing is actually even less than the density that would occur under R-3 if that were the zone that were applied to the property. We are at the lower end of the level of moderate density resident.

As has been noted before, we are sort of on the cusp of two different areas. To the east and north we have residential primarily single-family detached. To the south and west down a significant slope is industrial. Along Bladensburg Road and V Street primarily C-M-1 and M district zoning.

The change in the Comprehensive Plan noted that pivotal nature of the site and suggested that allowing for a somewhat higher density development than detached single-family houses would be appropriate to make and mark that transition.

We have gone through the

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requirements and standards of the Comprehensive Plan beyond just the future land use map and those are set forth in the outline which I have handed to you this evening starting on page 6 and going through pages -- on for a ways up through page 15 looking at the various policies, actions, and standards of the plan.

I believe that the rezoning to R-5A is not inconsistent with the plan and is something which would be appropriate given the nature of the site.

Turning then to what about this site suggest that relief from the R-5A district is also further appropriate. Number one, the site has a very small amount of street frontage. It only has frontage on that little piece of 30th Street that comes into the site from the north end.

Number two, it has a significant topographic difference under the existing conditions from the high point on the site to

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the low point on the site there is a distance -- a difference of about 60 feet.

A lot of that distance or that difference occurs at the south side of the site where it is effectively about 20,000 square feet that is in a very steep slope and you wouldn't want to develop it even if you could. What results from that is what is typically described as a cluster plan.

We have taken the units that would be built on the site and clustered them, put them on the top portion of the site which is relatively flat. Actually we are cutting that grade down some to level it out and bring it down a little bit from where it is now somewhere on the order of three to 10 feet.

Therefore, the houses would be built on the site -- on a portion of the site that is most suitable for development and a portion of the site that is least suitable for development will not be developed. The steep slope on the south portion of the site will

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remain untouched and, therefore, we need some relief in order to accommodate that.

We have, as was noted before, 26 units in 22 single-family dwellings and two flats so for the total of 26. Sean went through the plan and described how those are broken up into groups of -- five groups of buildings. He went through his design rationale for how that would be laid out on the site.

Accordingly, we believe that approving the development with lots that don't have street frontage but lots that in and of themselves are smaller than what would ordinarily be required and have more density, more lot occupancy, more FAR on the site on the individual lots is offset by the fact that overall on the site as a whole the lot occupancy is only 22 percent. Forty percent is permitted.

The overall lot occupancy is 22 percent because we've clustered that open

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space not on the individual lots where the units are located. The overall FAR is .69.

R-5A allows an FAR of .9 so we are below what the R-5A district allows, but the individual lots have more floor area than would be based on that land area because, again, we've got this large amount of space that is generating no floor area and the FAR on those portions of the site are zero.

We have about 39,000 square feet of space as generating no FAR. When you take it across the board we're at about .69 FAR for the entire project. We think that is consistent with the notion of moderate density, residential, and consistent with the best and most appropriate way to develop the site.

As we have noted in our filings and as I've noted beginning on page 16 of the outline, we need a bunch of variances in order to accommodate that. We are within the 40-foot height allowed by the R-1 district and

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the R-5A district but we have four stories on 11 of the buildings where three is normally the limit in an R-5A or R-1 district.

What we've done there the reason we've added the fourth story, as Sean went through and showed you those diagrams, we have a front-loaded garage on the lower level. In order to have enough floor area in the units, we've added one more story on that group of units.

Those are units numbered 1 through 11 on the west side of the site. They are the units farthest most removed from the existing houses which are located primarily to the east of the site.

As I noted with respect to floor area ratio, the individual lots range from 1.05 up to 2.35. .9 is normally the standard in an R-5A district but, again, overall we're at .69.

On lot occupancy, 40 percent is what's normally required. We have some lots

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that are less than 40 percent. Some go up as high as 66 percent but overall we are at 22 percent for the site as a whole.

We have similarly gone through rear yard, side yard, front yard, and vehicular access and addressed what the relief is that is required for each one of the individual lots.

With respect to the special exceptions we have the one under Section 353 which is for development of row dwellings in an R-5A district. That was a provision that was put in the regulations in 1970 and it was done at a time when the District was concerned about the adequacy of public facilities to accommodate development in the R-5A district; was there enough school capacity, were there sidewalks, were there streets, and so forth.

Sadly -- I'll say sadly since 1970, or almost immediately after that requirement was imposed, school capacity ceased to be a problem in the District. There

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is capacity in the education system to handle any students that will be generated by this development or, frankly, any other development.

With respect to infrastructure, sewer, water, sidewalks, streets, alleys, and so forth, as Sean went through the plans we have provided a development that accommodates all the things that we need to accommodate. With respect to the design of the houses and the design of the site plan, I believe we meet the specific standards of Section 353.

With respect to Section 2516, which is the second special exception, that is the one that says you can have more than one building on a single lot.

Again, in this case we need that relief because we have a very limited amount of frontage on a public street which is 30th Place, N.E. Under Section 2516 we are able to have the individual units front on private roadways rather than on the public streets.

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We've gone through all those requirements and explained how we meet them recognizing again that we need the variances on lot occupancy and FAR for the individual lots because of the way we clustered the development on the site.

Lastly, with respect to the variances, the Commission members are well aware from their service on the BZA what the standards for a variance are. There must be an exceptional or extraordinary situation or condition of property which creates practical difficulty for the owner. If granting the variance the Board, or in this case the Commission, must find that there would be no substantial detriment to the public good.

We have been through those requirements and we believe we have demonstrated that we do have an exceptional or extraordinary situation, that the practical difficulty is such that we should not be required to meet the ordinary area and bulk

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requirements on the buildable portion of the lot which would essentially penalize an environmentally friendly development plan.

We are doing what we should be doing on this site if we are going to develop it. We are taking the areas of the site that are most suitable, most appropriate for development, and that's where we're putting our houses.

Reducing the number of houses would raise the development cost per unit and that is a significant issue for this project.

You can build one house on this project and theoretically you can, but the infrastructure cost that would be required to build one house on this project would make it impossible to do that.

There is a break point in there somewhere and I'm not saying that the break point has to be exactly 26 houses as opposed to 25 houses or 27 houses, but the analysis done by Ms. Bundy and her colleagues suggest

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this is the right number of houses, that we can bring these houses in at a market price that makes sense in the neighborhood.

The units, all of them, 100 percent of the units will be targeted as affordable for people making no more than 80 percent of the area median income. 100 percent of these units would be IZ units. We're going to do that even though we don't have to but that is where we think we want to be and that is what our target market and development plan is.

In conclusion, I would suggest that we have met all the tests for rezoning under the zoning act, that the change in zoning is not inconsistent with the Comprehensive Plan, that the change to R-5A should be approved. Once you have done that approving the R-5A district that the two special exceptions and the variances we have requested are appropriate.

We have demonstrated that we meet

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the specific legal tests for approval of those applications. Accordingly, we suggest that you should approve what you have seen before you this evening.

That is sort of stating, as the Chair suggested, across the top and discussing the highlights and maybe the low lights of some of what we talked about. We are prepared obviously to answer any questions and go into any more detail on each of those individual issues. I think that gives you the flavor of what it is we are proposing this evening. Thank you very much.

MR. FREEMAN: That concludes our direct presentation. We have Mr. Oliver here to answer any questions and rebuttal. We do have two letters that I want to make sure you see and we'll talk about in more detail in rebuttal. They are after Mr. Sher's report.

Mr. Sher mentioned an infrastructure cost. We have a letter here from VIKA that outlines the infrastructure

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cost. Mr. Winkelman will talk in more detail about the letter from McWilliams Ballard that talks about the studies they have done with respect to price points in the neighborhood and how reducing the number of units would make them basically price them out of the market. We'll talk about that in more detail but that concludes our direct.

CHAIRMAN HOOD: Okay. Let me thank you all for the presentation. Let me just say this, Mr. Sher. You've had more time today than I've seen in a long time. You said you scathed but you actually had over 10 minutes so you've had more time today than I've seen in a long time.

Let's go to my colleagues. Who would like to start us off?

Commissioner Cohen.

COMMISSIONER COHEN: Thank you, Chairman.

Can you tell me how wide the different townhouses are?

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MR. FREEMAN: Sean can answer that question.

MR. PICHON: We're at 16 feet wide on each townhouse.

MR. FREEMAN: I'm trying to find a sheet that shows it.

COMMISSIONER COHEN: I may have --

MR. SHER: Sheet 86.

COMMISSIONER COHEN: Okay. My next question is fire and emergency access. Can you walk me through that to make sure that I understand how they get onto the access road? I don't think it was in the presentation tonight.

MR. PICHON: Give me one second. I'm going to pull up the slide that depicts that. We actually had the civil engineer do a diagram that shows it.

We only included one of these but we've done diagrams for each of the vehicles access onto the site coming off of 30th Street onto 30th Place and circling around our

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private drive through the public alleyway, the expanded public alleyway. This is a turning diagram that shows how the fire truck would get through there.

MR. FREEMAN: I think Sean mentioned in our plans that we filed on February 3rd, the truck-turning diagram and trash truck turning diagram, are included in the plans we filed back in October.

COMMISSIONER COHEN: And your sewer system, you are actually adding capacity in that neighborhood as well as you are going to have some -- I just forgot the name. Not vaults.

MR. PICHON: Storm water management?

COMMISSIONER COHEN: Yes.

MR. FREEMAN: Why don't we have Kyle Oliver, our civil engineer, sit next to Mr. Sher and talk a little bit about the civil storm water management features of the project.

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MR. OLIVER: Good evening. My name is Kyle Oliver. I work for VIKA Capitol.

I'm the managing member. We have met with D.C. Water. We are basically going to bring a water line into the project down 30th Place and loop through the private roadway system. We've done this on numerous projects. D.C. Water will then take over maintenance of the water line.

We also have a sanitary sewer line that drains down 30th Place as well. The storm drain system. We are proposing to put a storm filter and detention pipe combination that will handle the quality and quantity. Again, that would drain down 30th Place as well.

We also -- I have actually met with the Fire Marshall to ensure that we had wide enough streets. We suggested to widen the alley to 20 feet in order to make sure the truck has correct turning movements to get in and out. We are also planning to stripe the

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sidewalk where there is no parking to ensure that people park only in the correct spots. It would be signed as well.

COMMISSIONER COHEN: Thank you. I just want to confirm that the distance between the property line of this property is at least 75 feet from the neighborhood. For the record I want to confirm that.

MR. PICHON: It's the distance from the rear of our houses to the rear of -- the approximate rear of the existing houses, not to the property lines.

COMMISSIONER COHEN: Okay.

MR. PICHON: So the --

COMMISSIONER COHEN: It's to the rear of the -- okay.

MR. PICHON: Yes.

COMMISSIONER COHEN: Once this property is developed is there going to be a homeowner association that will be responsible for keeping up the maintenance of the property?

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MS. BUNDY FOSTER: Yes, ma'am.

COMMISSIONER COHEN: What else will they have to agree to do?

MS. BUNDY FOSTER: At this time it's pretty limited in terms of since it's a private road, they have to maintain for snow, any forecasted weather conditions, as well as trash. They have to have a trash pickup as well.

COMMISSIONER COHEN: Okay. Thank you. Those were my questions.

MS. BUNDY FOSTER: You're welcome.

CHAIRMAN HOOD: Thank you, Commissioner Cohen.

Commissioner Turnbull.

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

Let me ask you, with the 16-foot-wide units, and I guess I'm just looking at a type C unit, I see the kitchen looks like a fairly decent size. That's not quite the one. The living area itself looks rather tight.

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It looks like really only about 12 by 14 square feet.

I mean, it overlaps with the dining area and I'm just curious from a marketability standpoint do you feel that this is a marketable plan? I mean, is this a workable plan for arranging furniture?

MR. PICHON: Yes. On 16-foot rowhouses we typically design an open floor plan which allows for the living, the dining, and the kitchen to all flow together and that provides for a range of ways for the homeowner to arrange their furniture throughout the space.

COMMISSIONER TURNBULL: I mean, your basic little -- you have a ghosted floor plan which shows a very minimal furniture layout which looks rather -- it looked a little stark. I mean, it looks like there wasn't a lot of flexibility. It looks like -- I mean, obviously, you can arrange but I just wanted to know from a marketability standpoint

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you believe that this layout is something that is workable?

MR. PICHON: Yes.

COMMISSIONER TURNBULL: Okay. The siding on the house, I just want to confirm it's cement fiber? Sort of like a hardy plank type?

MR. PICHON: Yes.

COMMISSIONER TURNBULL: Okay. On the new sidewalk that you were asked to put in on 39th Place, you put it on the east side of the street. Was that after conversations with our colleagues? I mean, I'm just wondering why the east side and not the west side.

MR. PICHON: Kyle can speak to that.

MR. OLIVER: There's significant topo restraints. I'm not sure if we can pull up one of the pictures but as you come down 30th Place, it's actually cut into the hill, into the side, so you can see the grass area there. That's all right-of-way but it's

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rather steep.

COMMISSIONER TURNBULL: Okay.

MR. OLIVER: You can't see it in the picture but on both sides of 30th place it's a very similar situation. On the western side there are actually trees, as you can see, so we actually tried to stay on the side that didn't have trees. We would have to cut down less trees to install the sidewalk.

COMMISSIONER TURNBULL: Which is the side that has the slope?

MR. PICHON: It's represented in photograph No. 2 on this slide.

COMMISSIONER TURNBULL: Is that then -- am I looking at it -- am I looking into the site?

MR. PICHON: You're looking into the site coming from 30th Street looking towards our property.

COMMISSIONER TURNBULL: That looks like that's where the slope is though.

MR. OLIVER: Correct. There is

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actually a slope there. You can't see it in picture No. 2 but there is actually this same steep slope on the other side of the street as well. On the western side, as you can see, it's trees. We are going to try and leave the trees and put the sidewalk in on the side in the existing right-of-way that does not have trees.

COMMISSIONER TURNBULL: Oh, I guess from a practicality standpoint it looked like the other side connects more with the sidewalks of the area so I was just curious why you wouldn't want to -- I mean, the other sidewalk goes to a deadend. It cul-de-sacs on a deadend and I'm thinking people have got to cross the street again. I'm just curious.

I'm just raising the question because from just looking at the street plan, it would seem intuitively, again without looking at the site or anything, that you would want to put it on the other side so people could continue on down the block.

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If there's a topo issue and you say you can't do it, that's your answer. Just looking at it from a map it seem that I could continue on then through the neighborhood. I was just curious.

MR. FREEMAN: Not to testify but when we met with DDoT, and they will present their case, they said they would be okay with either side. It's a topo issue as well as the trees.

COMMISSIONER TURNBULL: Okay.

MR. FREEMAN: Removing those trees requires special tree permits which we are already doing on the site and it's just an increase.

COMMISSIONER TURNBULL: I was just thinking you have to cross the street twice the way the sidewalk is now. Why not cross the street once and then tie into the --

A basic question. You only have one bike parking area that I noticed on the plan. Was that as we turn around to make the

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loop around the neighborhood in there?

MS. MILANOVICH: Right. There will be two inverted U-shaped racks but just in that one area.

COMMISSIONER TURNBULL: Okay.

MS. MILANOVICH: That's correct.

COMMISSIONER TURNBULL: Did you think about one at the beginning as you came in?

MS. MILANOVICH: Frankly, we were not sure how well utilized they would be.

COMMISSIONER TURNBULL: Okay.

MS. MILANOVICH: The original plan didn't include any bike racks at the request of DDoT. It's a residential townhouse development so it's anticipated that the people that own bikes will keep them in their house, in their garage and those would be for people visiting on bikes.

COMMISSIONER TURNBULL: Okay. I'm assuming that the residents in units 12, 13, and 14 are parking on the street if they have

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a car?

MR. PICHON: Yes.

COMMISSIONER TURNBULL: Okay.

Mr. Chair, those are my questions for now.

CHAIRMAN HOOD: Okay. We can always come back at anytime.

Anyone else have questions?

Mr. May.

COMMISSIONER MAY: Okay. I'm going to try very hard to limit my questions understanding that this is not a PUD, even though I really want it to be so that I could ask more questions.

CHAIRMAN HOOD: Somebody asked to start the clock but we don't want to do that tonight.

COMMISSIONER MAY: Okay. I'll keep it in check.

First of all, the site plan, I think, has improved in the various iterations that we've seen. In particular, I think the

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move to townhouses with garages on the front is one of my least favorite forms of rowhouse.

I think this situation here kind of calls for it given the topography and everything else so it does make sense. I think the way you've designed the buildings, generally speaking, is fairly attractive given what you are working with and having to park the cars and so on.

I am -- I still think there is room for improvement so I just have a few questions that go to the site plan. First of all, one of the things that I find most awkward about this is the way the existing street interfaces with your new street.

You have that slight jog that results at the corner that is all the way to the left in the picture that we're looking at right there. I'm wondering did you look at trying to continue 30th Place kind of straight into the site and then angling the townhouses, at least the first two or three, so that you

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could resolve that?

Right now what I can happening is people coming into the site and cutting the corner. You're going to wind up with a whole bunch of people smacking into each other right in front of that first townhouse there on the upper left, No. 24. I can see a lot of accidents happening right in front of that. Did you look at trying to resolve that intersection more comfortably than what you got right now?

MR. PICHON: We did. We looked at a number of different iterations. Continuing 30th Place into the site and angling some of the initial townhouses creates more awkward shapes in terms of the individual lots. It created more problems for us in that sense.

I believe there are probably some tweaks we could make to improve that angle as you come in there but continuing on 30th Place when we looked at it was more detrimental to the overall layout of the project than it was

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helping the site. It was making some lots too deep and some lots too shallow.

COMMISSIONER MAY: Okay. I guess I would have to see that to understand that there is really a problem but I'm not really persuaded by that argument. I think that the -- you already have gaps between these rows of buildings and taking a row of three or four of them and turning it at a 20 degree angle or whatever and moving where your gap is between the buildings seems to me would solve it fairly neatly. Then the other block across the street, 21 through 24, you don't need to move them at all. I'll leave that there. I have other questions about the layout of the buildings.

I, too, have difficulty with 16-foot wide townhouses so I'm really curious about why you have the gaps between the different rows. You have a 10-foot gap between 5 and 6 and another gap between 20 and 21.

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What's driving -- what's the need for that gap? Usually when we see something like that, there is a passage to a parking lot or playground or something like that but there is nothing but space there. Why is that?

MR. PICHON: We had that originally in our original plan when we had access to the rear of the houses. It may -- now that you've pointed it out, it may make sense that we can shorten that or close it in. Before we had actual passageways and stairs through there.

COMMISSIONER MAY: Right. Okay. I think it's seriously worth a look, particularly if you can take that 10 feet and distribute it across your row of houses because you can go from 16 feet to 17 feet wide. I can tell you living in a house whose major portion is 17-feet wide, it's a big difference.

I mean, it gives you three feet for the stairs, three feet for a passage, and

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then 10 feet for living space on the inside. That is just a much more workable plan. Right now you have in some of your units your stair landing on the four-story units when it hits the living room there is only nine feet between that riser and the wall so you have to have passage pass that and then you have furniture.

You're talking about a six-foot-deep effective living space. That's not really very workable. Now, there are lots of other issues that I think you might want to look at in terms of those particular units but I'm not going to get that far into the detail of this.

I'm just looking at it from a site-planning point of view. The other thing is that moving this around may actually reduce some of the relief that you need on some of the units so that's another reason why I'm looking at those questions.

You showed a picture of rain

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barrels. Where are the rain barrels actually going to live? Are they going to be in the front of the houses or in the back of the houses? You've got water coming off these roofs in lots of places.

MR. PICHON: Correct. They will be at the base of each of the downspouts.

COMMISSIONER MAY: Front and rear?

MR. PICHON: Front and rear, yes.

COMMISSIONER MAY: Okay. That will be interesting. If this were a PUD, I would want to see a picture of that but this is not a PUD so I won't make you show me a picture.

I have a couple of other more specific, I guess, zoning questions for Mr. Sher. First of all, you mentioned school capacity but you did in a very broad sense.

Maybe it's within -- I saw reference to specific schools but are you telling me that the specific schools for which this is in boundary have excess capacity

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because your blanket statement that there is excess capacity in the school system may be correct overall but it's not correct for every neighborhood school. There are plenty of schools that have waiting lists.

MR. SHER: I don't know about the exact enrollment at each one of those schools.

COMMISSIONER MAY: I think if you're going to make the case that it needs the special exception test, you ought to be able to tell us if there is excess capacity at the neighborhood schools that serve this neighborhood. Isn't that what the test is about?

MR. FREEMAN: I think it has to be -- there has to be public schools within the particular range.

COMMISSIONER MAY: They just have to be within the area? They don't have to have capacity?

MR. FREEMAN: Right.

COMMISSIONER MAY: All right.

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We'll look at that more carefully.

CHAIRMAN HOOD: I actually think we really need to look at that. I would agree with your, Commissioner May. It just doesn't say the school across the street, especially if it's filled to capacity.

COMMISSIONER MAY: Right. I mean, yeah, there was a time when the school system was building extra schools practically across the street from existing ones because of capacity issues. We may be facing that again. Who knows?

I assume that because we are treating this as a single property for the sake of the variances and the special exceptions that pretty much rules out the possibility that as a matter of right something could be built on what we consider unbuildable portion of this where the slope is. Right? You would have to come back and get further relief.

MR. SHER: Yes. If you approve

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this -- well, any development that includes rowhouses or garden apartments has to be approved by the BZA, in this case the Zoning Commission. You approve that site plan, that's what we can build. If we want to change that site plan, we're back here.

COMMISSIONER MAY: You're back here. Okay. I thought that was the case but I just wanted that confirmed.

All right. With regard to the lot occupancy of 21.9 percent I assume that includes the alley -- I think I asked this question at setdown but I assume it excludes the alley and the private street in the calculation?

MR. SHER: That is not counted in the 21 percent that is occupied if that was the question.

COMMISSIONER MAY: Well, the numerator is the lot, the area of the buildings. The denominator is the green space.

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MR. SHER: The denominator is the total lot area.

COMMISSIONER MAY: The total lot area.

MR. SHER: Sixty-three whatever it is, 63,489.

COMMISSIONER MAY: Okay. Is that the way -- I guess I'll ask the Office of Planning if that is the way we have to look at it or not.

You have several high retaining walls that involve walls and reinforced soil. Did you look at those as structures in terms of lot occupancy because technically that's what they are.

MR. SHER: I did not look at them as lot occupancy. I think with the exception of, I think, the Wesley Heights Overlay where there are structures, I don't believe they count in lot occupancy.

COMMISSIONER MAY: Are you familiar with the Economides case?

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MR. SHER: That's overlay.

COMMISSIONER MAY: It's all Wesley Heights?

MR. SHER: Yes.

COMMISSIONER MAY: I don't believe that --

MR. SHER: Specific language in that overlay dealt with the question of structures rather than lot occupancy which is buildings.

COMMISSIONER MAY: Okay. I'm going to look at that more carefully.

MR. SHER: It's the definition of building area in the regulations, maximum horizontal projection of a building and its accessory buildings.

COMMISSIONER MAY: I thought it was anything over four feet anywhere on the site.

MR. SHER: Different sets of regulations apply as to yards and whatever, but for lot occupancy it's buildings, not

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structures.

COMMISSIONER MAY: Okay.

MR. SHER: Except for Wesley Heights.

COMMISSIONER MAY: Okay.

MR. SHER: Economides is the one that dealt with that but that is not a general proposition.

COMMISSIONER MAY: Okay. The last thing is there was a statement before that the new water lines that get put in they will be maintained in the future by D.C. Water. I assume that is true -- is that true for the storm water structures?

MR. OLIVER: No, that is incorrect. D.C. Water will maintain the sanitary line and the water lines. The storm drain lines -- the onsite storm drain lines will be maintained by the homeowners association.

COMMISSIONER MAY: Okay, but the onsite sanitary and water, D.C. Water, will

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maintain even though it's on private property?

MR. OLIVER: Correct.

COMMISSIONER MAY: Okay. Thanks.

CHAIRMAN HOOD: Thank you,
Commissioner May.

Vice Chair.

VICE CHAIR SCHLATER: Thank you,
Mr. Chairman.

One of the interesting things
about this case is that the site is fairly
unusual. I think that would be accurate to
say. One thing that I didn't have totally
clear in my head is the portion of the site
that used to be street and alley. Can you
just point out what used to be a public street
and has been closed?

MR. FREEMAN: The C1 sheet in the
full set of plans that we filed --

VICE CHAIR SCHLATER: Okay.

MR. FREEMAN: -- shows if you
follow 30th Place kind of the line of 30th
Place closed.

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VICE CHAIR SCHLATER: Okay. So at one point 30th Place came all the way down there and there were --

MR. FREEMAN: 30th Place was always a paper street. It was never -- it was never developed. It was always a paper street, a street that has been shown on paper but never built.

VICE CHAIR SCHLATER: It's public right-of-way though?

MR. FREEMAN: Yes, but it's closed now.

VICE CHAIR SCHLATER: And what about those -- then there used to be lots off of that. Correct? Individual lots?

MR. FREEMAN: To either side of it, yes.

VICE CHAIR SCHLATER: Okay. How about the alley? Was that a paper alley that curved all the way around there down the hill? Just curious. It looks like it.

MR. FREEMAN: The alley stops.

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The alley kind of -- in the sloped area it does not exist.

VICE CHAIR SCHLATER: What is that depicting then on your various plans?

MR. FREEMAN: I think I would have to get Kyle to confirm but out there now when you drive out here it stops. Because it's sloped there is no way to drive down there. It's just trees and wooded area.

VICE CHAIR SCHLATER: I'm just curious what it is.

MR. OLIVER: At one time it was an alley but the alley actually stops at where you can see the steep topography.

VICE CHAIR SCHLATER: Yeah.

MR. OLIVER: The alley actually comes out another 20 feet, I think, as if it was a turn-around at one time and stops there. The actual right-of-way for the alley stops there at the top of the hill.

VICE CHAIR SCHLATER: Okay.

MR. OLIVER: The existing alley

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that is currently built out there stops there as well.

VICE CHAIR SCHLATER: So did the alley have to get closed, too, technically?

MR. OLIVER: No. We didn't do an alley closing.

VICE CHAIR SCHLATER: Okay. I'm just curious. Are there railroad tracks on the site? I saw a note on that as well, going through the site?

MR. OLIVER: Correct.

VICE CHAIR SCHLATER: The train goes right by there? How close to the tracks get to the actual house?

MR. OLIVER: These tracks aren't used.

VICE CHAIR SCHLATER: They're not used? Okay. Among the letters we have in the record, some of the local residents say that there is a problem with the sanitary sewer system in this area and the water quality is poor. Were any of those issues raised by WASA

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when you were talking about putting in the lines? Are there any concerns on the part of the developer about that?

MR. OLIVER: No.

VICE CHAIR SCHLATER: Great. And then the retaining walls. How tall are they at their tallest point?

MR. OLIVER: Six to eight feet.

MS. MILANOVICH: No, three to six.

MR. OLIVER: Three to six. I think the tallest point is 6.5 feet but they are generally three to four feet.

VICE CHAIR SCHLATER: Can you point them out on the plan just for my benefit? On some of the plans that we have it looks like there is just one wall.

MR. OLIVER: If you look in sheet C3 it runs along -- it's the gray line that runs next to lot 1 and then continues along the back from lot 1 down to 11.

VICE CHAIR SCHLATER: Okay.

MR. OLIVER: And then there is

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another smaller wall between -- at the back of lots 12, 13, and 14.

VICE CHAIR SCHLATER: Okay. Very good. Thank you. I think for the most part in this case it's a pretty clear case on the map amendment and the special exception. I would want to dive a little bit into the variance rationale that has been provided by the applicant.

The first -- in Mr. Sher's testimony, the first item that was pointed out was the unusual and irregular shape of the site. I just want to get Mr. Sher's take on the actual variance standard itself which does take into account the exceptional narrowness, shallowness, or shape of a specific piece of property. But it caveats that with at the time of the original adoption of the regulations. What do you think that caveat means, Mr. Sher?

MR. SHER: I would just go on to point out that it also says "or by reason of

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exception."

VICE CHAIR SCHLATER: I just want to ask about that one caveat.

MR. SHER: I want to take the whole thing in perspective. The shape of the property obviously is a combination of a bunch of lots that are existing as individual lots which at one point were separated by the street right-of-way which has gone through.

All of that is going to be subdivided into one single lot of record. Did the lot of record exist at the time that the regulations were created in 1920? No. Did it exist in 1958? No. Does it exist now? No.

It will exist in the future but the shape and conditions of the property that justify -- that relate to the variance relief that we need to come about because we are aggregating those lots into a single lot of record. That is a requirement elsewhere in the regulations.

VICE CHAIR SCHLATER: I guess I'm

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just speaking to the unusual and irregular shape of the site. That is something -- that shape did not occur at the time of the original adoption of the regulations. Is that correct?

MR. SHER: Probably not.

VICE CHAIR SCHLATER: Okay. The second point you make in your testimony is you have a very small amount of street frontage for area of site. This one is a little curious because it seems like you actually pursued the closing of the street frontage to most of this land. Is that correct? Would that be accurate? I mean, it seems to me that to site that as a reason for your variance --

MR. FREEMAN: I think what he was -- two points. The street was never there. Point two, I think what Mr. Sher was saying the site area is 60,000 square feet so it's not a rectangular 60,000 square foot lot in which you have 200 linear feet of street frontage. It's the site even in which you

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have 60,000 square feet and one point at which there is street frontage. I think that's what his point was.

VICE CHAIR SCHLATER: Okay. The final -- one of the other rationales for exceptional or extraordinary situation or condition is the wooded nature of the site. I just thought maybe you could explain more how that is an extraordinary situation or condition.

MR. SHER: I think, again, it goes to if you go to develop the site at all, if you're not going to leave it in its current undeveloped condition, what is the most appropriate way to do that given the size of the site, the shape of the site, the slope of the site, what is on the site.

It seemed to me that all of those conditions combine to suggest that you would want to develop -- put the development on the site on the flattest least sloped portion of the site given that pretty much the whole site

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is covered with vegetation at the moment. My personal opinion is it's not particularly great looking.

It's a lot of scrub stuff and it's overgrown because it hasn't been tended or whatever. I don't know whether any of those trees are specimen trees or not. I'm not the tree expert. I don't want to suggest that I am.

I'm suggesting that if you are going to develop the site, all of those conditions going to choosing where and how you build and whether that extension of 30th Street was there or not, if it was there, it would make it even harder to try and figure out how to develop the site because you add this piece of roadway running down the middle where Sean's got a bunch of houses shown and you couldn't build those there if the street was still open, which it's not so we don't need to worry about that.

MR. FREEMAN: And if I could just

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make one point, this case is very similar to an EYA case, Hillcrest Homes. I have a copy of the BZA order here along with the Court of Appeals case affirming it.

The particular things that the Board and the Court of Appeals found as being exceptional conditions, which are very similar, finding No. 56, "The property has an extreme topography (which is the case here).

The property is irregularly shaped (which is the case here) with no means of vehicle ingress and egress and a street frontage of only 70 feet, which is minimal in comparison to its perimeter so we have a minimal amount of street frontage in comparison to our perimeter.

The existing property contains an unusually large amount of undeveloped space which cannot be developed without causing adverse impact and the loss of open space."

With no street infrastructure a good deal of the land area is going to be

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private rights-of-way which further reduces the buildable area which, similar to our case, we are taking a portion of our street -- the property to create a street and widen the alleys and widen the public spaces which we can't otherwise build across. In doing this analysis we looked at other things that have been adopted and approved by the BZA and the Court of Appeals.

VICE CHAIR SCHLATER: Okay. I hear you. I probably should take a look at that case and see what are the similarities and what are the differences in this case. I mean, a lot of these come down to very site-specific conditions.

I would just say I think in this case we're talking about variances for the number of stories, floor-to-area ratio, lot occupancy, rear yard, side yard, front yard exactly as Mr. Sher said, because you are taking, you know, density from one portion of the site and trying to squeeze it onto a

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smaller portion of the site.

I think from a site planning perspective that makes a lot of sense. There's a lot of benefits to that, but it also changes the character of R-5A when you provide all of those variances. When we look at that, I think we have to really take a hard look at the variance standards and make sure they are met. Particularly with that first prong I still have a few questions.

CHAIRMAN HOOD: Mr. Turnbull.

COMMISSIONER TURNBULL: Yeah, I just have one follow-up question in light of the Vice Chair's questions. We talked about the site and we talked about existing vegetation on it. Mr. Sher said it was just scrub.

Has there been -- has an arborist looked at this site? Are there any specimen trees or the quality of the vegetation? Do we know what it's really like?

MR. FREEMAN: Mr. Oliver has

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looked at the trees and he can speak today in general.

MR. OLIVER: There are currently 28 what we would call -- D.C. calls special trees that exist on the site that we are going to remove. We are going to plant 12 new trees back. We are going to meet all of the DDoT Urban Forestry requirements for removing those special trees.

COMMISSIONER TURNBULL: Do we have a report on the record that talks about the state of what is on the site as far as trees?

MR. FREEMAN: Maybe we do. I just don't recall seeing it.

MR. OLIVER: The DDoT report has a section from the Urban Forestry Department.

COMMISSIONER TURNBULL: Do we have your analysis of this site?

MR. OLIVER: Our plans show the trees, both existing trees and --

COMMISSIONER TURNBULL: No, but have you had -- I mean, you talk about so many

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trees but as an arborist or anybody looked at these to actually say what kind of condition the trees we have?

MR. OLIVER: Know.

COMMISSIONER TURNBULL: Could we have something on the record to at least make us feel reassured that we are not losing some valuable trees out there? Are we just clear cutting trees that took us a long time to grow and are significant?

MR. FREEMAN: We will -- I want to make a couple points. We are not removing all of the trees on this site. The number of the trees are remaining, particularly with respect to the sloped areas. We will go back and have VIKA look at the existing conditions in more detail and figure out what --

COMMISSIONER TURNBULL: If we could just have something on the record, I think that would be good for us to look at.

MR. FREEMAN: And what type of tree permit stuff we'll have to do.

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COMMISSIONER TURNBULL: All right.

Thank you.

CHAIRMAN HOOD: I guess I'm not as far along as some of my colleagues. They have gotten to the special exception to the variance. I'm still at the map amendment. I'm still trying to understand the R-1-B going to R-5A. I understand the low to moderate to high density. I understand all that.

Let me start with you first, Mr. Freeman. I notice you -- I appreciate you always, or most of the time people come down and tell us what's in our jurisdiction or give us what the Court of Appeals as said. I appreciate all that.

But in your findings what I would like for you to do, because this case for me mirrors the Albemarle case. We started with 40 something townhomes and we took it down to six single-family homes. I know we didn't -- I don't think they talked to VIKI and I'm not sure but there may have been a PUD. That may

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be the difference.

When you bring that down, bring some of those comparables to help us out. I would like for you to do that for us. What is the difference between this case and the Albemarle case?

I would agree with Commissioner May. I'm sorry this is not a PUD but I can tell you, I've been here long enough it's been done. I know you've got the letters here that we've got tonight.

Unfortunately, I haven't had a chance to read them about the financial issues. I'm not condemning this project. I'm just saying we need to make sure we have all of the information in the record, not that we are tilting it to one side or the other.

Mr. Sher, let's -- help me understand. Walk me through that. How can we go -- in R-1-B we have single-family homes. Correct? Semi-detached. Do we have semi-detached?

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MR. SHER: No, sir. Detached single-family dwellings on lots of 5,000 square feet and 50 feet wide.

CHAIRMAN HOOD: So how are we not changing -- I think I asked this at setdown. How are we not changing the character of this community? The only townhomes that I know in that area are in Fort Lincoln and the other ones are further across Bladensburg Road. I think we are really -- I think this is a loud statement that we are changing the character. How are we not doing that?

MR. SHER: In the area, I'm going to say, south of South Dakota and east of Bladensburg Road once you get off the frontage on Bladensburg Road, in that gateway area the housing types are mostly detached single-family dwellings. There is no question about it.

CHAIRMAN HOOD: We're talking about between South Dakota and Bladensburg in that cut where the gateway area is.

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MR. SHER: Right. In the gateway area it's almost exclusively detached single-family dwellings. Varying lot sizes but almost all detached.

CHAIRMAN HOOD: That is pretty much the neighborhood by itself?

MR. SHER: Yes, because, as you say, when you get to Fort Lincoln that was completely redeveloped under the renewal plan, different set of development standards and what have you. When you go the other way on Bladensburg Road, it's industrial/commercial. You've got the bus garage and all kinds of other things going on over there that are not really part of the gateway neighborhood but they define the edge of it at that point.

CHAIRMAN HOOD: They define -- they begin the Woodridge neighborhood. I'm aware of all of that. I'm just trying to --

MR. SHER: What I would say is not that these houses are going to be identical to the single-family detached houses out there

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because clearly they are not. In terms of, No. 1, they're being single family with the exception of the two flats.

No. 2, the design and character and the details. As Sean went through and described his way of approaching how that site should appear, he has looked for cues from the neighborhood.

The Comprehensive Plan designation is different for this site than it is for the rest of that neighborhood. The council made a determination in amending the plan in 2010 in the 2010 Amendments Act that said this site and a little bit of the area around it should go from low-density residential, which is what it showed before, to moderate density residential, which is what it is now.

That specific change is the language -- the exact language is at the bottom of page 8 of the outline of low-density residential land use, etc. The council made that change. What we are looking at is

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implementing the change in the Comprehensive Plan by changing the zoning to be not inconsistent.

CHAIRMAN HOOD: Let me ask you, can the council -- 10 years ago this got me in trouble but can the council legislate zoning?

MR. SHER: No.

CHAIRMAN HOOD: Okay. You and I have had this conversation about the Comprehensive Plan. The Comprehensive Plan is a tool. It doesn't necessarily mean that the Zoning Commission is bound by it. Correct?

MR. SHER: Well, the Zoning Commission is required to make its regulations not inconsistent with the plan.

CHAIRMAN HOOD: Not inconsistent with the plan.

MR. SHER: That's your judgment. You have to make that decision but the council cannot tell you, "Thou shalt zone that piece of property R-5A." In my view anyhow. They can say the future land use map identifies

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this site as well as a little bit around it as moderate-density residential rather than low-density residential.

That, to me, suggest that a different zoning category then applies to the rest of that neighborhood should apply on this site. Otherwise, there would be no reason to change it.

CHAIRMAN HOOD: Mr. Sher, we have R-1 and R-2 to R-3, R-4 and R-5. We are going from a very restrictive zone which allows a single family to a zone, I would say, four levels up. The higher the zone, the more the uses, the less restrictive as we know. We are going from R-1B to R-5A.

That's a major leap. That's a major jump. For me that is really changing the neighborhood and changing the character of that neighborhood. I guess what I need you to do is help me through that. Once we make it R-5A, then I can deal with the special exception and the variance. Right now I can't

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get from the R-1B to the R-5A.

MR. SHER: Well, R-5A allows garden apartments. It does. We're not proposing any of those here. We couldn't build any of them here because we're not asking you to approve them and you're not going to approve them and we're not going to build them.

We are proposing to build 22 single-family townhouses and two flats for a total of 26 units on a site of about 63,000 square feet. That is a little bit more dense than what's in that neighborhood right now but, in my mind, it is not inconsistent with the council changing the map to say a greater density should be allowed on this site than what the current zoning provides for.

If there was no intention to suggest a higher level of density here, then there was no reason to change the land use map. We could have just left it low-density residential and that would be that.

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I think the council gave an indication that there was a reason to change the land use designation on this site and I think that it is incumbent upon the Commission to take that into consideration. You have the ultimate decision-making authority.

You can decide what is not inconsistent with moderate density residential but I think the context in which that has to be viewed is if there was no reason -- if there was no intention to change the existing zoning, then there wouldn't have been any reason to change the land use map.

VICE CHAIR SCHLATER: Can I jump in just with a question? What would you consider the most restrictive moderate density zone?

MR. SHER: Well, the framework element lists moderate density zone equivalence as R-3, R-4, R-5A, and R-5B. We are asking for R-5A which is in the middle of that range but, as I pointed out before, the

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density that we're providing is less than the equivalent of R-3.

If you took 2,000 square-foot lots, which is what R-3 requires and, again, recognizing you're not going to cut the site up into -- it's not a flat rectangular site. You're not going to develop it that way but if you took 2,000 square feet and divided it into 63,000 you would get 32 lots, or the equivalent density of 32 houses.

We've got 26 units so we are less than what in theory you could do under R-3. If you even said you had to delegate -- not delegate, dedicate the street. Maybe in my understanding of planning concepts from going from a gross land area to a net land area maybe you take 20 percent off to get -- if you had to lose some land because of that.

You're still down right at that same number, 26, 27 units which is what we have on this site. I don't believe that number of units -- again, remember, if you

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approve this rezoning and don't approve the change -- excuse me, don't approve the special exceptions and the variances, we can't build this project.

If you want that not to happen, there's a lot of different ways that could happen. We presented what we think is a reasonable way to develop the site in accordance with that moderate density designation. You could maybe zone it R-4 and wind up with pretty much the same development plan but I think R-5A makes as much sense as anything else given what's proposed here.

CHAIRMAN HOOD: Also, in that revision that the council did in the Comp Plan, it also talks about, "To meet -- I'm taking this straight out of Office of Planning's report, "...long-term housing needs includes the need for low and moderate-density single-family homes."

I know this is not a PUD so I'm trying to stay away from design, trying to

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stay away from a lot of that. We'll just deal with the map amendment. It's either low, moderate, or high. You said something new tonight. You're tipping the scale. You said more on the low to moderate like you're almost trying to get back to low.

MR. SHER: I think I said it was on the lower end of the range of moderate density that the plan talks about. The plan talks about low, moderate, medium, high. We're moderate and that's what the council did. It said moderate. At .69 FAR and at 26 units on the site, I believe that is well within the scope and limitations of moderate density residential.

CHAIRMAN HOOD: Well, I have some concern. I'm still not past the rezoning. I don't want to belabor the point. It's getting late. I do want to hear from the community.

Mr. Pichon, you looked at the neighborhood and you emulized or mirrored exactly what the existing neighborhood was

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with your project. Am I correct to say that?

MR. PICHON: We took cues from the neighborhood. We did not attempt to mimic the neighborhood. We took cues on some of the houses within the neighborhood to pull pieces of that to incorporate into our design.

CHAIRMAN HOOD: Okay. All right.

Mr. Freeman, you were trying to get your microphone to say something?

MR. FREEMAN: I was turning it off.

CHAIRMAN HOOD: Oh, okay. Good. Okay.

Any other questions? Any other questions? Okay.

We don't have any party status so let me go to -- let's go the Office of Planning. I'll tell you what. Let's do the Office of Planning and let's do DDoT.

MS. BROWN-ROBERTS: Good evening, Mr. Chairman and members of the Commission. I'm Maxine Brown-Roberts with the Office of

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Planning.

The Applicant has proposed a map amendment from the R-1B zone to the R-5A zone and concurrent special exception variance review for the development of 25 lots and 26 residential units.

Regarding the map amendment, the property is currently in the R-1-B zone and is proposed for the R-5A zone. 2006 Comprehensive Plan and future land use map amended April 8, 2011, designated the property for moderate density residential and specifically states for the property that the low-density residential use area bounded by Adams Street, N.E. to the north, 30th Street, N.E. to the east, and the Red Line near V Street, N.E. to the south, and 30th Place, N.E. including lot 25 in square 4376 to the west is changed to moderate density residential.

The moderate density residential designation includes the District's rowhouse

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neighborhoods as well as low-rise garden apartment complexes. It also applies to areas characterized by mix of single-family homes, two to four-unit building rowhouses under low-rise apartment units. The proposed R-5A zone with its rowhouses are, therefore, not inconsistent with the recommendation.

The property is also within the neighborhood conservation area of the generalized policy map. The proposed map amendment and related development of the property addresses many of the Comprehensive Plan objectives and policies relating to land use, housing, and the environment elements as well as policies for the upper N.E. area element.

Regarding the special exception variance request, the main issues that have been raised have revolved around the density, the amount of pavement and character. The development has an overall FAR of 0.69 and the heights are between 19.5 feet and 40 feet

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which are within the threshold of the R-5A zone.

The density and layout of the development is dictated by the topography of the site results in the development being clustered in the upper portions of the property. Over time the density and number of units has been reduced to 26 and an FAR of 0.69.

The Applicant has analyzed the number of layout options to reduce the pavements around the residences. However, due to the topography and access requirements for fire, emergency, and other service vehicles, even the existing alley, have had to be widened. The development has been able to provide onsite green spaces and a reduction in the on-street parking.

The character of the existing neighborhood is predominately two-story single-family detached units with varying architectural styles. The proposal is for

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three and four-story rowhouses and the Applicant has incorporated design elements from the neighborhood houses through the use of porches, roof lines, stoops, and color scheme.

The Office of Planning Report outlines how the development meets the special exception requirements of Sections 353 and 2516 and also the variances. The Office of Planning is sensitive to the concerns of the adjacent community, but with the changes made OP concludes that a requested map amendment is not inconsistent with the Comprehensive Plan's goals, objectives, and policies.

The Applicant has met the test for the requested special exception and variances and OP, therefore, recommends approval of the requested map amendment, special exception, and variances.

I would also like to address two things that one of the Commissioners asked regarding the public schools. I did send a

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referral letter to them and also made a call to the Department of School Facilities.

I was told of the schools that were in the vicinity that they didn't have the enrollment numbers, but generally stated that they should be able to accommodate students from only 26 units. I asked them to put it in writing and I haven't received that as yet.

Also, regarding the calculation of the FAR, from the tabulations that were given by the Applicant, the street lot 25 was not included in the overall FAR of .69. Section 2516.6 refers to and states that, "The area of the land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot or in any yard that is required by this title."

From looking at the plans, it did not seem as if the Applicant had included the lot for the street within each of the lots or within the overall calculations for the FAR.

Thank you, Mr. Chairman. I'm here

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for any questions.

CHAIRMAN HOOD: Thank you.

We'll go right to DDoT and then I have to back up and do something.

MR. KORBA: Good evening, members of the Zoning Commission. My name is Jack Korba and I'm here representing DDoT tonight.

The District Department of Transportation comes before you tonight to testify in support of the Applicant's proposed development at 30th Place, N.E. DDoT is encouraged to see such a development come to this area of the District and believes it will be a positive addition to the surrounding community upon completion.

DDoT received the applicant's proposal in August of 2011 and since that time has had a number of opportunities to meet with the Applicant's team to address DDoT concerns and comments. The Applicant has since responded positively to a number of such issues.

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With the parking count currently at a total of 30 spaces along with the 12 non-regulation spaces, DDoT believes the development will provide adequate parking given its location, size, and immediate neighborhood parking demand.

In order to account for any potential parking spill over onto the surrounding neighborhood streets, DDoT asked the Applicant to conduct a parking occupancy evaluation.

Based on this evaluation it appears that even if there were parking spill over, which we would not anticipate, the surrounding street supply is more than adequate negating the potential for any significant impacts on surrounding community members in terms of parking. DDoT, therefore, supports the parking supply as it stands now.

The Applicant also submitted a traffic impact study. Based on this study, and DDoT's own analysis, it appears as though

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the development will not result in noticeable traffic increases at any of the included intersections.

Since there are no projected negative traffic impacts, DDoT has not recommended any transportation demand mitigation measures. DDoT acknowledges the Applicant's thorough transportation analysis.

In terms of pedestrian infrastructure and the public alley, the Applicant was asked to ensure that the sidewalk and structure and improved alley conform to DDoT and AVA standards and specifications. The Applicant has agreed to do so and DDoT commends the Applicant for meeting those recommendations.

In light of the submission tonight, there were some outstanding issues that have been addressed by the Applicant. These include the sidewalk and at least one portion of 30th Place, and also the addition of bicycle racks.

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There were some recommendations by DDoT's Urban Forestry Administration that deserve note. To help mitigate the impacts of tree loss and protect remaining trees, the following recommendations were made. Determine the number of trees being removed on the property as well as their condition and species.

Identify the limits of work and how the site will be accessed during construction. Utilize construction methods that will minimize impacts to the remaining wooded area and utilize green infrastructure techniques.

In conclusion, based on careful analysis of the application, DDoT recommends approval of the map amendment, special exceptions, and variances. DDoT expects continued interaction and cooperation with the Applicant on any public space permitting stages, and commits to continuous collaboration with both the Applicant and the

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surrounding community members as the plan moves forward.

I now would be happy to answer any questions that the Commission may have.

CHAIRMAN HOOD: Thank you, Mr. Korba.

I'm going to ask everyone to indulge me for a moment. Typically we have ANC's that we see regularly and they know what to do when they come down and provide us the information to proceed.

In this case we don't see ANC-5B as much. We don't see them as often as we see others. I want to afford them an opportunity.

You are suppose to give us something in writing but I want to afford Chairperson Manning the opportunity to come up and cross-examine the Applicant.

If you don't have any cross-examination of the Applicant on their testimony, then don't worry about it. But if you do, you can come up and you can cross-

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examine the Applicant. Okay. No cross-examination.

Okay, Commissioners. Let's do this. Let's ask questions of the Office of Planning and DDoT. Who would like to start us? Commissioner May.

COMMISSIONER MAY: Yeah, a simple question for Office of Planning. I was actually kind of confused by your response to the issue of 2519 and whether the roads are included in the calculation and so on.

Are you saying that you do not believe that the roads were included in the FAR calculation and presumably the lot occupancy calculation? I think they just testified that they were.

MS. BROWN-ROBERTS: From the numbers that's on the table at C10. See lot 25 and then --

COMMISSIONER MAY: Lot 25 is everything else.

MS. BROWN-ROBERTS: Yes.

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COMMISSIONER MAY: Okay.

MS. BROWN-ROBERTS: And taking the total lot area and the 43,000 square feet of proposed gross FAR.

COMMISSIONER MAY: I don't see a separate calculation of the street area. Is that in here? I'm asking the Office of Planning.

MS. BROWN-ROBERTS: It's my information that the streets were included in lot 15.

COMMISSIONER MAY: They were included in lot 25. Right. My question is in order to properly calculate lot occupancy and the FAR, should the streets not be included?

MS. BROWN-ROBERTS: Yes.

COMMISSIONER MAY: So we need a revised calculation of the FAR and lot occupancy on the assumption that the streets are not included. I don't think there is any issue with it.

I just want to be totally

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consistent on this because of the whole range of projects that we see and I want to see -- I want it to be done consistently because that is the way we are suppose to measure it, if that is the way we are -- you're assuring me that is the way we're suppose to measure it, so that's the way we'll measure it.

MS. STEINGASSER: That is the way that Section 2516.6 requires it and it's the way that the Zoning Commission confirmed they wanted it required in a particular PUD case about five or six years ago. The Commission confirmed that they didn't want these streets taken out.

COMMISSIONER MAY: Right. I don't remember a case five or six years ago because I wasn't here then but I remember it three or four years ago. Time flies. I think we're thinking about the same case. Okay.

And then I guess I have one question for DDoT which is did you look at the issue of how the new private street intersects

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with 30th Place where they don't quite line up and whether there is a risk for accidents to occur there?

MR. KORBA: We took that into account with regard to the truck-turning diagrams and anything like that. However, in terms of the sidewalk lineup and everything, with that we acknowledge that the topography makes it difficult for the sidewalk to be installed on the west side. Also we wanted minimal disruption of trees on that side as well.

COMMISSIONER MAY: It's okay to have potentially more accidents if we save a few trees? Is that what it is?

MR. KORBA: No. That was in terms of the sidewalk being on one side.

COMMISSIONER MAY: No, and I'm not concerned about the sidewalk. I'm just wondering about the misalignment and its safety implications. I know that in the past in many different cases we received testimony

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from DDoT about safety issues associated with particular road layouts.

I'm wondering if you looked at that in particular? I'm sorry but unfortunately for some reason I did not receive your report in advance so I haven't read it. I don't know what's in it. Did you address that specifically in your report?

MR. KORBA: Not that intersection specifically. The application was referred to our Traffic Operations Department and they did not come back with anything in particular with regard to that intersection.

COMMISSIONER MAY: I'm very interested in this issue. I would really like whoever is responsible for the safety and the design of intersections to be asked specifically if they regard this as a safe alignment. If they do, then I will trust your judgment on it but I'm not sure that the question was asked specifically enough to get the right kind of thought.

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MR. KORBA: We can refer to our Traffic Operations Division and get back with you.

COMMISSIONER MAY: Okay. Thanks.

CHAIRMAN HOOD: Any other questions of the Office of Planning or DDoT? Okay, not seeing any.

Again, Mr. Korba, you mentioned on page 2 of your report that all those issues under your recommendations and brief have been satisfied.

MR. KORBA: Correct. We do recommend tree loss mitigation measures as well.

CHAIRMAN HOOD: Okay. Does the Applicant have any cross-examination of the Office of Planning or DDoT?

MR. FREEMAN: No.

CHAIRMAN HOOD: Chairperson Manning, you have any cross-examination of Office of Planning or DDoT? Can you come to the table and identify yourself? You may

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begin.

MS. MANNING: In terms of the --

CHAIRMAN HOOD: Identify yourself.

MS. MANNING: I do apologize. I'm
Commissioner --

CHAIRMAN HOOD: And then let them
know which one you are going to address,
either Office of Planning or DDoT.

MS. MANNING: Sorry. Good
evening. I'm Jacqueline Manning, the Chair of
5B, also the ANC Commissioner for Single
Member District 5B-09. This question is for
DDoT.

In terms of where the sidewalks
you're talking going back to the entrance to
the property. Entering and exiting that's
going to be a one-way street. Correct? When
you're coming into the main property. You
looked at that coming from 30th Street?

MR. KORBA: 30th Place. The
entrance into the property is going to be two
ways.

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MS. MANNING: It's going to be --

MR. KORBA: Which street are you referring to, 30th Place or 30th --

MS. MANNING: 30th Place. When you are measuring -- when DDoT goes over and measures for the fire trucks to come in making that turn into the property.

MR. KORBA: I believe the fire company was consulted in terms of how wide that street is.

MS. MANNING: Were you give a written report? Were you given a written report from the Fire Marshall pertaining to them turning into that alleyway which they are technically saying it's going to be a street? That was for DDoT.

MS. BROWN-ROBERTS: I'm sorry.

CHAIRMAN HOOD: Let Office of Planning answer that.

MS. BROWN-ROBERTS: Yes, if I could answer. I do have a letter which I can put into the record from the Fire Marshall.

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He didn't specifically call out that but said the roadway and turning were okay. I'll submit this.

CHAIRMAN HOOD: What normally happens is the Office of Planning solicits from different Government agencies and they respond to them.

MS. MANNING: I guess my question is because she has it there but the community was not given that information because that was one of the major concerns about the EMS turning in and out of that and how it would affect the houses coming in. If we go back to the house that --

CHAIRMAN HOOD: We'll make sure that gets in the file.

MS. MANNING: Right.

CHAIRMAN HOOD: I don't think we have it either. Do we?

MS. MANNING: Right. That's my point. We don't have a copy of it to justify that.

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CHAIRMAN HOOD: Okay.

MS. MANNING: Also -- that's it.

CHAIRMAN HOOD: That's all you have?

MS. MANNING: Yes, sir.

CHAIRMAN HOOD: Okay. Thank you.

MS. MANNING: At this time.

CHAIRMAN HOOD: Okay. Thank you.

We did not receive an ANC report.

Report of other Government agencies. I think we've heard them. We do have a letter from the fire department and we heard DDoT's report. Are there any other reports, Commissioners, that I may be overlooking?

COMMISSIONER MAY: We don't have an ANC report that complies with the requirements of an official report but there is a letter from the ANC.

CHAIRMAN HOOD: From the Single Member District. Obviously the ANC --

COMMISSIONER MAY: Chair. It's

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signed by the chair.

CHAIRMAN HOOD: But our regulations say there are some things they have to meet and they did not meet it.

COMMISSIONER MAY: I understand. I'm just noting the fact that we have --

CHAIRMAN HOOD: Single Member District which we cannot grant great weight.

COMMISSIONER MAY: I'm not suggesting we do.

CHAIRMAN HOOD: Okay. But we do have a letter from the chair who is representing the Single Member District and I will expound on that. Thank you, Commissioner May.

One of the questions I want to ask Mr. Freeman and Ms. Bundy is that apparently all these years you all have been working, I think since 2007, I'm hearing in the Single Member District's report is that they haven't been met with the latest. You can respond to that in rebuttal. Let's make sure we get that

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together. I'm just curious. Do you have a copy of Chairperson Manning's letter?

MR. FREEMAN: Yes.

CHAIRMAN HOOD: Let's make sure we respond to that in rebuttal.

Okay. Any other reports?

Let's go right into organizations and persons in support. I've been advised there are none. We have about 17, one organization and the rest individuals in opposition. I'm going to call names. If it sounds like your name, just come on up.

Delano Hunter, President of Gateway Community Association. Leslie Bournes. Let's bring a lot of people up at once and then we can get out of here before 12:00.

Janet Drew, Dennis Olney, Jon Botwin, Parney Jenkins. Do we have any seats because I want to bring Linda Van Brakle and Craig Van Brakle up at the same time. If they could both come up. That will be our first

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time. That should be eight sitting at the table.

Before we get started I'm going to ask you to pay attention to the clock. Ms. Schellin will put up how much time you have. We want to be considerate of your colleagues, your neighbors, who may want to also testify.

Actually, if you see it get to about 10 seconds, I ask that you wrap it up. When it rings allow the next person to testify.

Let's go in the order in which it was called. I'm going to ask Delano Hunter, President of Gateway Community Association, to begin.

MR. HUNTER: Good evening members of the Zoning Commission. My name is Delano Hunter. I was born and raised in the Gateway community. My parents have owned a home in this community since 1970 and as an adult I have moved back and intend to start my family.

Now I have a home directly across the street from where I was born and raised.

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I submit this testimony on behalf of the Gateway Community Association to express our opposition to a requested map amendment in square 4376.

Gateway does not oppose an architecturally well designed and reasonable size development for this site that fits into the character of the neighborhood. However, the developer's original and revised plans fail to address the community's important concerns.

For the record, I want to note that the Gateway community has been cooperative and has met with the developer and SMD-5B-09 Commissioner Jacqueline Manning on several occasions. We were unable to resolve our differences.

At the ANC's community meeting on February 2, the developer was unable to present the revised plans due to a lack of time. The Chair Jacqueline Manning instructed the developer to first meet with the Gateway

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community to review the plans and that was done so on February 6th.

We met with the developer and we were presented a modified site plan. After listening to the developer and careful consideration of the developer's presentation, gateway cannot support the developer's application as revised for the reason stated below, incompatible project design.

While we appreciate the recent modifications and improvement to the proposed development, the project still continues to have little, if any, integration with the existing fabric of the community.

In fact, the revised site plan is totally inconsistent with the character of the existing neighborhood which consist of predominately two-story single-family detached bungalows, Cape Cod cottages and ramblers.

Moreover, the backs of the proposed townhouses face the newly-created private street. This is inconsistent with the

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layout of the Gateway community where existing single-family houses face each other across public streets.

By incorporating minor architectural design elements such as stoops and porches, color and roof lines, the revised plan still does not address the major issue that the proposed development is inconsistent with the character of the neighborhood and its design will not allow it to integrate into existing community either architecturally or day-to-day living.

The design offers no contextual similarity in planning or massing. The architectural design elements do not relate in scale or style to the bungalows of the Gateway community.

Point No. 2, the project lacks connectivity. In terms of the proposed development being integrated into the Gateway community one is hard pressed to find any connectivity. The proposed development will

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be isolated and will be the only townhouse complex in the Gateway community.

To the north the closest townhouse community is located in Fort Lincoln which is several blocks away. Fort Lincoln townhouse development is separated by a natural border, South Dakota Avenue. Furthermore, to the south the 24 townhomes are at the deadend of 30th Place and V Street which is zoned commercial light industrial use and will remain so for the foreseeable future.

Finally, the original and revised plan present poor architectural design and planning. The proposed townhomes are above 35 feet in height. That is well above the existing average for properties in the Gateway community. If allowed, the proposed development will create a town effect because the site sits on a high point in the community.

Point No. 3, aggregate FAR and multiple variances -- numerous multiple

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variances. Gateway strongly objects to the map amendment, especially the developer's request to go from R-1B to R-5A. And that they also be granted many extraordinary variances.

As pointed out by the Zoning Commission Chairman on November 28, 2011, this map amendment is a leap and a jump. We agree.

And, if allowed, it is a leap and a jump that will dramatically change the character of the neighborhood.

We question why the developer is so intent on building such a massive complex in an existing neighborhood of very low-density residential single-family homes. There can be only one reason and that is to make maximum profit.

It is our understanding that the Zoning Commission's role is to see that the zoning laws and regulations are followed, not to help the developer make the highest profit possible.

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In the present matter we request that the Commission apply the zoning laws and regulations in every aspect to protect the community and to uphold the integrity of the zoning laws and regulations. We believe, in our opinion, that the developer can make a reasonable profit by constructing 10 or 14 townhomes that fit into the character of the community.

Last, building height and impact on topography. It is my understanding that while the developer has worked at reducing the height of the buildings, the reductions come at a cost to site topography. The reduction in height will be accomplished by stripping three to six feet of soil and this does not seem like an environmentally sound option.

Thank you for your time.

CHAIRMAN HOOD: Thank you.

Ms. Bournes.

MS. BOURNES: Good evening. My name is Leslie Bournes. I'm a resident of the

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Gateway community. I've been a resident for over 20 years and have served for over 15 years in a number of capacities in the Gateway Community Association. I'm currently the vice president and have been president and secretary during those years of service.

This letter is submitted in opposition of the proposed plan submitted by the Bundy Development Project. As a resident of the Gateway community and officer of the Gateway Community Association I have been actively involved since the announcement of the project.

Our former council member Harry Thomas, Jr. held a meeting in the late winter of 2007, early 2008 with other community leaders to announce the proposed project.

From the onset of this project while it lies in a cul-de-sac of 30th Place, N.E. has been unappealing to the community residents who have a vested interest and love its vitality.

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I oppose the density and the height of the development. The project is not cohesive to the existing character of homes in the Gateway community. Let me state not the Fort Lincoln community but the Gateway community.

I oppose the potential granting of multiple variance relief for the floor area ratio of this project. In 2011 50 residents submitted a rezoning appeal petition to oppose the map amendment and the Comprehensive Plan for R-1B zone, low density to R-5A, moderate density.

The residents were not aware of the change and the property is currently a wooded area with natural growth but was identified as a blighted area. This change also -- the Comprehensive Plan change also included other properties in Ward 5.

The proposed stick structure housing is out of character with the two-story bungalow and Cape Code style homes in the

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neighborhood and do not fit the current fabric.

In northeast Washington there are several new townhome development projects that fit the fabric of the neighborhood such as Fort Lincoln while others do not seem to be a good fit, the 6th and Emerson Street project of townhomes, two-level homes. Personally viewing that development, that project has an extreme towering effect over the existing neighborhood.

This project while Bundy has indicated they are digging three to six feet already sits at least five to eight feet higher than the existing homes with backyards that are already on an upward slope and will have direct view of the homes and will bring on that towering effect.

30th Place land is on a raised hill of the community. The project application contains various relief for the floor ratio which you have heard discussed.

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In closing, I am not opposed to the density of the homes. I am not opposed to low-density but not to exceed 10 to 14 homes that could address the traffic flow and the amount of space or the green space in that neighborhood.

Thank you.

CHAIRMAN HOOD: Great. Thank you.

Janet Drew.

MS. DREW: Thank you. My name is Janet Drew and I have been a resident of the Gateway Neighborhood Association for almost eight years and I'm the secretary of the Neighborhood Association.

Thank you for listening to our neighborhood's concerns about the development from Bundy Development Corporation. I oppose construction of this development as currently proposed for a number of reasons.

First, the actual density of this plan is significantly more than allowed by zoning rules. Please don't be fooled by the fuzzy math Bundy uses to calculate the floor

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area ratio, or FAR. The proposed plan provides for now 26 townhomes to be built on less than an acre-and-a-half of land and the actual useable land is less than that.

I stress the word useable because Bundy has to use the square footage from the proposed roadway and lots 802, 803, 805, and 806 to achieve a FAR that is lower than .9. Please understand that large portions of these lots can only be considered air space because no actual useable land exist there, only a 60-foot drop-off.

This leads to my second concern which is the lack of green space. This development would have more concrete and less greenery than Bundy is willing to admit to. Green space is a big part of the charm of our community and a concern that has been raised by members of the Zoning Commission.

As I said, I'm a member of the Neighborhood Committee that has met with Bundy and I haven't yet seen a proposal that comes

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close to providing adequate green space. Instead, Bundy has to request variances which would allow them to provide virtually no front yards, backyards, or side yards.

In fact, I was sad to see that Bundy has included the parking pads as part of the backyard space for about half of the units. Again, more concrete and less green.

At the setdown hearing in November Zoning Commission members also raised concerns that the development would be set apart from the existing community because all of these houses face into the center basically turning its back on the rest of the neighborhood. This has not changed.

Instead, we're told that Bundy has incorporated the neighborhood character by adding tiny front porches to some of the houses because the houses in our neighborhoods have front porches.

In other words, the company has not made a serious effort to make this

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development more harmonious with the surrounding community or address concerns raised by either the Zoning Commission or the neighborhood.

I'm almost done. You have the rest of my testimony. Thank you very much for your consideration.

CHAIRMAN HOOD: Thank you.

Dennis Olney.

MR. OLNEY: I'm Dennis Olney, resident homeowner. I live at 2805 Channing Street, N.E. I moved in and purchased my house there in 2006. Prior to that I lived in the community of Fort Lincoln where it's predominately condominiums and townhomes.

As a resident and homeowner of the Gateway Community I am in opposition to the requested map amendment in square 4376. However, I am not opposed to an architecturally well designed and reasonable size development for the site that fits into the character of our neighborhood.

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I'm really concerned about the issues that are on my letter 1 through 13, but I'm going to go directly to the issues that I feel direct to myself and the neighbors that live on my street which is 2805 Channing Street, N.E.

We have had underground water issues. The water makes it way downhill from the proposed Bundy site. 30th Street, which is the alley that goes up into the proposed community, is graded downhill towards Channing Street. This issue of concern has not been addressed by the developer in how they will prevent further issues.

Not only that, Mr. Schlater addressed a concern about storm drain lines that would be maintained by the Homeowner's Association. What happens if the HMA is financially unable to maintain that system? What would happen then?

There are significant traffic impacts that will probably happen on Channing

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Street, which is where I live, because that is one of the main entrances to the community.

My next concern is regarding the width of the properties and them being designated as affordable housing. With affordable housing I'm concerned about appreciation or depreciation of property values that could affect the value of the newer homes, which is like mine, and negatively affect the property taxes for everybody in the neighborhood.

We have also seen a large number of racoons, opossums, deer, foxes, and other rodents or animals that will be displaced and will probably attempt to settle wherever possible and most likely that will be in our homes or in our yards.

There are 13 other concerns on here for the entire Gateway community. You can please review those. I'm just concerned about the things that I've addressed and I thank you for the opportunity to be able to

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bring those to your attention.

CHAIRMAN HOOD: Okay. Thank you.

Jon Botwin. Hopefully I pronounced that correctly.

MR. BOTWIN: My name is Jon Botwin. I live at 2142 30th Street. My house actually borders the development, the proposed development. I had a very well-written testimony that was probably articulate.

Unfortunately, after hearing the current testimony through the person proposing the development, I'm going to have to change that and go with basically bullet points of things that need to be pointed out.

Starting from the beginning, the site was actually changed from a developer in 2010 to be included with the zoning type changes. We are talking the zoning changes particular to that lot. It was proposed by the developer that had that lot at the time so that would start off the change and the snowball effect that this causes to get into

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this development predicament we're in.

Now, going from the own developer's plans and her statements that has been presented today, it talks about meeting with the community and they had different meetings throughout the time.

Well, you can meet with somebody but if the community tells you they are not interested in this, you can outline it as a meeting but it's not moving forward and it's not cooperative as far as how the community is accepting this plan.

When you talk about their own slides and photographs that were presented here today and they talk about how this is compatible and works with the community, you look at every one of their slides and it presents a single-family two-story home and every one of their proposed properties is a three to four-story rowhouse which is 16 feet wide which is nothing to do with our community. Our community is 99 percent

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single-family homes.

Now, when you're talking about the FAR and as far as the housing and how that would all come to be, years ago this Zoning Commission proposed and allowed them to close the street of 30th Place. The cul-de-sac section of that street was closed and then added to the proposed property to add then the available land to then build upon.

So 30th Place continued on in that cul-de-sac that you were referring to earlier and how the site plan originally was designed to have about eight lots. Those eight lots would be compatible with the community and how this plan should probably be built. So when you take away that street, you then have the available space to build more homes.

When you talk about how they have presented their plan and how they want to incorporate different things, you have to question what in the world are they thinking when you refer to rain barrels and things of

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that nature for garden space and things of that nature, but you have no garden space or hardly green area for anybody to have.

When you refer to the traffic study -- and I'm going to have to talk real fast here because I'm down to 40 seconds. When you talk about the traffic study you have 26 townhomes and they are only talking about 18 trips in the morning. Well, I'm not sure what the other people are going to be doing in the morning but if you have 26 homes, I'm pretty sure there is going to be more than 18 trips in the a.m.

Figure that most people have two residents in the house and probably two cars.

You are going to be at least 52 trips in the morning and in the evening. When it comes to parking spaces, you have most of your parking available either in the garage or only half of the homes have an actual parking space designated.

The main concern that I have is

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that you have now turned the alleyway that is a public alleyway into a right-of-way street and their main access point is that alleyway.

CHAIRMAN HOOD: Thank you very much.

Parney Jenkins.

MR. JENKINS: Good evening. My name is Parney Jenkins.

CHAIRMAN HOOD: If you could move up and turn your mic on.

MR. JENKINS: Good evening. My name is Parney Jenkins and I live at 2141 30th Street, N.E. I've been a resident for approximately 25 years. I have some concerns basically of a technical nature.

One is the trash that will be generated from the townhouses. I understood earlier that it will be a private entity maintaining the public space. I'm wondering if that would include the trash.

Also the sidewalks because in years past I had a situation up off of Blair

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Road where the little community they built similar to this one over the years the road or the infrastructure begin to collapse and it became the city's problem, although it was suppose to be a private maintained roadway and sidewalk.

That's going to be a very frightening situation in years to come. Documents are going to get lost and things of that nature. We're losing green space. They are putting a buffer in the rear over the hill facing Stanley Martin where they should be blocking the homes on 30th Street. That's a problem. Why would you put the buffer on the backside of the home? It's doing no good to the existing community.

Another one of my concerns is the elevation of the homes. They can look right over into Jon's bedroom window and his backyard because of the height differential between his structure and the proposed structure.

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Those are some of the things that I'm concern with, along with the traffic. I don't know how active the DPW's traffic study was but the traffic study everybody knows most homes have two to three cars, college student and the two adults, two parents. I believe the study is outdated. I believe the study is definitely outdated.

The runoff is going to be an issue because of the elevation of the proposed structure adjacent to the proposed community. There are several technical issues.

Is that me?

CHAIRMAN HOOD: Go ahead and finish your closing thought.

MR. JENKINS: There are several technical issues that's going to create a problem to our community, you know. They talked on -- I'm not that familiar with the different terminology for the zoning, BZA, those type of things, but I know that this particular lot or plat of land should only

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house at least anywhere from 10 to 12 structure for the square footage.

CHAIRMAN HOOD: Okay. Thank you.

Let's go to Linda Van Brakle. We'll go to Linda Van Brakle and then we'll go to Craig Van Brakle.

MS. VAN BRAKLE: Good evening. My name is Linda Van Brakle. I live at 2153 30th Street, N.E. I'm a native Washingtonian and I've lived in the Gateway community for over 40 years.

My husband and I raised our two children in this quiet community and have been active participants in various community endeavors. We worked hard over the years living a simple, comfortable lifestyle and looking forward to retiring in the near future and enjoying our home with our visiting grandchildren.

I'm here tonight to express my concerns with the Bundy project and the negative effect it will have on our health,

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our home, our environment, and our neighborhood.

First, our health. The dust and dirt produced by the excavation will certainly have an adverse effect on our health. My husband and I both suffer with bronchial asthma. Weather permitting we enjoy relaxing on our front porch and working in our front yard. The Bundy project will certainly put a stop to that.

Second, our home. The settling and structural shifting of our framed bungalow style home due to heavy construction and truck traffic is a serious concern. Ms. Bundy has yet to address the question presented to her regarding compensation to the residents for property damage that will occur during this construction period and which may or may not be seen immediately.

Third, our environment. The green space destroyed by the Bundy project will be a crime to our environment. Exhaust fumes from

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New York Avenue and the Metro bus lot will no longer be blocked by the existing trees and shrubs on that parcel of land.

Fourth, our neighborhood. The Bundy project as is will certainly create an overloaded living situation in our neighborhood. The density of the project is too large. The proposed four-story townhouse design does not fit the character of our 1.5 story single-family detached home in our rural urban neighborhood.

We have no problem with constructive, well-thought out change. It's a part of life. We do have a problem with inconsiderate, thoughtless, and destructive projects that threaten the well being of our health, our home, our environment, and our neighborhood.

Please reconsider the serious issues that we've raised regarding this project. Please also consider the fact that Ms. Bundy was presented these and other

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community concerns but has chosen to simply ignore and/or not respond to our outcries.

Thank you.

MR. VAN BRAKLE: Good evening. My name is William Craig Van Brakle. I live at 2153 30th Street, N.E. D.C. As my wife stated earlier, I'm a native Washingtonian and I have lived in the Gateway community for over 40 years.

I'm a man of few words so I'll get right to the point. The Bundy development has caused me much concern for all the reasons that my wife stated earlier. And also because of the impact on the already-strained sewer and water systems.

We've encountered slow draining sewer system problems since we've lived there.

Several years ago a plumber told us that because the underground pipes are old there are bends and breaks that adversely affect our sewer and storm water drainage. These pipes all need to be replaced. Adding more

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households and families will only add a greater strain to an already difficult situation.

We are depending on you to consider the good of the whole Gateway community and not the monetary gain of a few.

Thank you very much.

CHAIRMAN HOOD: Thank you very much. I want to thank each and every one of you. Hold your seats. I want to thank each and every one of you for your testimony. We may have questions and there is some cross-examination.

There are a few points I want to correct. While a lot of people think we do a lot of things, we don't close streets. We don't close alleys. That's not in our position -- that's not in our jurisdiction. That's one thing that is not in our jurisdiction. We don't do those things so I wanted to correct that.

Also, this issue about the

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community meetings, President Hunter. What's going on? Is it that you didn't see the latest development? What's the issue? I believe that the evidence shows the developer has come out to the community on a number of occasions. Is it that the community didn't agree with the developer and what is being proposed or is it that you didn't see the latest, what we saw tonight?

MR. HUNTER: No. We've met with the developer on multiple occasions and I certainly give the developer credit. However, you know, towards the end, the last few months, we've just had philosophical differences in terms of the density.

In terms of this latest development tonight, some of the images we did not see. There was a meeting that we wanted to schedule, or that the developer proposed within the last week but we just were not able to make it work with our schedules. We met multiple times over the past few years or so.

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We have met with the developer but towards the end it seems as if we were just meeting to meet. Activity in this case didn't necessarily equal achievement in terms of reaching common ground. We were at a point that we agreed to disagree in terms of the density and some issues like turning that alley into basically a street.

CHAIRMAN HOOD: I may ask this at the end. I know you all have met and the community has met. I'm going to you because you're the president. I may ask at the end that you meet again. Here is what's going to happen.

I say this about every case in the city. We're going to make the decision and we don't live in the neighborhood. I think it's key that you all try to come as best as you can but we're going to do it from the zoning aspect.

It's always good to see a developer and the community work it out,

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whatever the issues are. At the end of the day guess who is impacted? The folks who live there. I may ask that again and I agree, I hate to meet just to be meeting.

We can ask Ms. Bundy again, who I will say from what I see here in the record, she has met a number of times. Quite a few times. Obviously it may be an impasse and the five of us will eventually make that decision but it would be good if you all could try to get closer. I just wanted to put that out there.

Also, Ms. Bournes, I noticed you mentioned a project in which this Commission voted on on Emerson Street. Were you aware that there was unanimous support for that project? I'm just curious because I see there is unanimous support against this project.

MS. BOURNES: Um-hum.

CHAIRMAN HOOD: In that case that you cited, there was unanimous support. There were some other issues that were in play.

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Were you aware that that whole community was in support of that project? I don't think we had anybody in opposition.

MS. BOURNES: No, I did not talk to anyone in that community. I went to look at it just from a visual standpoint and I don't know how the project became massive because when it originally started, it didn't look like it was going to be the size that it was. No, I was not aware of that.

CHAIRMAN HOOD: I'm talking about 6th and Emerson Street.

MS. BOURNES: Yes, I know what you mean.

CHAIRMAN HOOD: This issue about -- I didn't get into a whole lot of design questions. I think, Parney Jenkins, you mentioned the issue about looking inside of Jon's house. Help me understand. Are you saying the back of the houses they will be able to look down into his home?

MR. JENKINS: The elevation

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difference is quite significant. You could look straight -- I mean, you could look into his house. All the houses on that side if they developed -- I mean, put those homes up, the ones that are adjacent to the alley you would be able to look into the homes on the west side of 30th Street because of the elevation differential.

CHAIRMAN HOOD: Okay. All right.

Commissioners, any other questions?

Commissioner May.

COMMISSIONER MAY: Yes. Several folks mentioned an issue with or concerns about parking in particular. I'm wondering is there a problem right now with regard to parking on the streets in the immediate vicinity and what is the nature of that problem? Not everybody needs to answer that but whoever feels comfortable speaking that. Maybe Mr. Hunter, you do, or someone else who lives on the immediate block.

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MR. BOTWIN: I live, and she lives as well, on 30th Street. During the evening hours there is sufficient parking for the current residents on 30th Street so pretty much in the evening hours the available parking on 30th Street is taken by the residents that live there by adding 26 homes in the rear of that and not having the adequate spaces for this development. They are going to have to park either on Adams Street or --

COMMISSIONER MAY: I understand what the concern is. I'm just wondering what the current situation is.

MR. BOTWIN: The current situation is that there is no adequate parking for more residents on 30th Street.

COMMISSIONER MAY: So when everyone comes home in the evening when parking tends to fill up, you have problems parking in close proximity to your home?

MR. BOTWIN: No. There is

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adequate parking for the current residents. There is parking for us now, yes. Add more, no.

MS. VAN BRAKLE: Can I add to that?

COMMISSIONER MAY: Yes, please.

MS. VAN BRAKLE: If anyone -- we have adequate parking for the number of residents on our street but don't have visitors or someone having a football game and extra people over. There's no place to park.

We end up parking around on Adams Street so it's not sufficient if the households are entertaining guests. We have run into that problem a number of times. I can just envision the community behind us having to spill over into our parking. That would be a problem.

COMMISSIONER MAY: Okay. It sounds a little unusual because given the number of homes and the widths of each street frontage and number of driveways and garages

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and things like that, I would think there would actually be ample street parking in this area.

MS. VAN BRAKLE: Well, everyone doesn't and I'm still trying to figure out where this .3 of a car is. Is that a skateboard or what is that?

COMMISSIONER MAY: A bicycle.

MS. VAN BRAKLE: Oh, a bicycle. Okay. Most people have two cars. We have two cars. We have a family on our block that has four cars.

COMMISSIONER MAY: I'm sure and I understand that. I live in a neighborhood where street frontages are not even the width of a car and it looks like most of the street frontage of properties here are two and three cars wide and it looks like almost everybody has a driveway or alley parking space or something like that. I'm just surprised to hear that there is such a problem in close proximity to this site.

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MS. VAN BRAKLE: Everyone doesn't have a driveway. That's for sure. We certainly don't.

COMMISSIONER MAY: Okay.

MS. VAN BRAKLE: And people are driving bigger vehicles. We have a lot of SUVs on our block and they take up lots of space.

COMMISSIONER MAY: Okay.

MR. BOTWIN: There is only one house on that block, the 2100 block of 30th Street, that has a driveway and that's actually my house.

COMMISSIONER MAY: Okay. I have one other question and I guess I will ask this of Mr. Hunter because it was specifically in your testimony. You don't object to some level of development there. I think others expressed that.

But I also heard objections that could only be satisfied if there were no development here whatsoever. Do you feel

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fairly comfortable that the consensus view is that some level of development of this property would be appropriate?

MR. HUNTER: Yes. We are not opposed to a well-thought and designed development. Our homes sit on approximately lots that are about 5,000 square feet. If you were to divide that by the 60,000 square-foot property, I would say around 12 homes.

We understand that there are some difficulties but we are just under the belief that with the development that is isolated just with that sort of density where you have to turn an alley into basically a street.

Then additionally there is kind of one entry and one exit. We believe that will be an undo burden. It will kind of stick out kind of like a sore thumb within the community.

COMMISSIONER MAY: So if you are imagining something in the vicinity of -- in the neighborhood of 12 homes, I mean, are you

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comfortable with the idea that those 12 could be situated where the current development is proposed because the rest of the site is really not easily buildable?

MR. HUNTER: Yes. We are in the belief that lot can accommodate those 12 homes. Then also they won't have to ask for the number of variances and relief. There will be an opportunity for side yards and front yards and something that is more in character in the community. With that decreased density, we think it will more so work with the character of the neighborhood.

COMMISSIONER MAY: Okay. Thanks.

CHAIRMAN HOOD: Any other questions from up here?

Let me just ask this to President Hunter and Vice President Bournes. If I was to ask at the end that the developer Ms. Bundy come out and meet with you all again, would that be one of those meetings that I'm asking for in vain or would that be a productive

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meeting?

MR. HUNTER: Yes, it would be.

CHAIRMAN HOOD: Okay. All right.

Any other questions,
Commissioners? Any cross-examination from the
Applicant? Any cross-examination from the
ANC?

Sir, you had your hand up. If I
let you add some testimony -- we have your
testimony. If I let you add testimony, unless
you want to answer one of the questions you've
heard, then I'm going to have to do that for
everybody else. You see all those people
behind you? They want to get up and say a few
words, too.

MR. OLNEY: I just forgot one
point in my testimony. That's all.

CHAIRMAN HOOD: Is it in your
testimony?

MR. OLNEY: It is not. I would
like to be able to amend my testimony and
supply you all with that letter.

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CHAIRMAN HOOD: Okay. I believe the record is probably going to stay open. I'll see when we get there. There may be a chance for that. Okay?

MR. OLNEY: Okay.

CHAIRMAN HOOD: Okay. Thank you. Just give us that part you left out.

Okay. I want to thank you all very much. We appreciate your testimony.

Actually, the record probably is going to stay open because there is some information that we need. Yes, the record will be open. We just don't know how long.

Okay. Andrew Higgs, Althea Carter, Cindy Smith, Gilbert Smith, Commissioner Jacqueline Manning, the chair of ANC-5B, Elena Gaona, Lou McKinney, and Tonya Johnson. We should have eight at the table.

Is there anyone else whose name I have not called and would like to testify this evening? Okay. This will be our last panel for the evening. We're going to start with

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Andrew Higgs.

MR. HIGGS: Good evening.

CHAIRMAN HOOD: Make sure the green light is on. I don't think it's on. Make sure it's lit. There we go.

MR. HIGGS: Good evening. My name is Andrew Higgs and I have been living in the community since 1993. Some of the proposals of the Bundy Corporation I feel our neighborhood's basic structure would be compromised. We are a small community with little parking for the people already in our neighborhood so with their proposed structuring there will be even less parking.

Thank you.

CHAIRMAN HOOD: Great testimony.

Althea Carter.

MS. CARTER: My name is Althea Carter. I live at 2401 30th Street, N.E. I've been there for 47 years. I'm going to have to amend my letter a little bit, too, in light of the testimony today.

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I am writing to you today to express my objections to the proposed Bundy development in my neighborhood. Please note, first of all, that I have used the word neighborhood to describe where I live. The Bundy development is just that, a development.

A development is not, and never well, blend in with this established neighborhood of one-and-one-half-story bungalows.

Ms. Bundy has stated that she has patterned her townhomes after four houses that are on 30th Street. However, nowhere in this neighborhood does one see four-story townhomes. The number of these townhomes is also disturbing. Ms. Bundy is planning to build 26 townhomes in my neighborhood.

The land on which she wants to build cannot accommodate 26 homes. Another negative factor is the parking problem that 26 homes will bring to my neighborhood. Each of these homes will probably have two or more inhabitants.

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One-car-only families are a thing of the past so I believe that one can reasonably estimate that there will be a total of at least 52 cars within this development. Ms. Bundy has said that each home will have a garage and that there will be at the time 12 extra parking spaces. Her number of 42 parking spaces I feel is insufficient.

The extra cars will most certainly end up parking in the existing neighborhood. Also, this number does not take into account visitor parking in the development which will also end up parking in the neighborhood or take into account, as was said earlier, our visitor parking. There won't be any.

As far as the alley, they have said they would widen it but my concern there is that it takes away the privacy that those homes have in the rear of their houses already with cars going back and forth on a widened alley it will take their privacy away if they are having family functions or whatever.

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The lack of green space runs counter to the neighborhood. We have had more trees planted in the neighborhood so far and the development will have as much concrete, or more concrete. The green space in this neighborhood is a big part of the charming country-like setting that we enjoy here.

Finally, let me say that allowing this development to be built into this neighborhood would destroy the peace, the quiet, and the country feel that we have here.

We are not Fort Lincoln and we do not want to be. However, should the Zoning Commission decide to let this development go forward, I would ask at the very least that the number of townhomes be lessened. At most I would ask that the Zoning Commission not allow this development to be built in my neighborhood without changes that would be more in character with the neighborhood as it is.

Thank you.

CHAIRMAN HOOD: Thank you.

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Cindy Smith. Then we'll go right to Gilbert Smith.

MS. SMITH: Good evening. Really goodnight because it's so late. Thank you, Mr. Chairman and Commission members. I'm a resident that lives directly behind the proposed development on the dead end of Adams which I like to call the live end of Adams.

I have to say that I'm not one who writes letters just to write letters at the drop of a dime or testify just for the sake of it, but I had to find my voice to speak against this project because this would greatly impact me and my neighborhood.

I have been a resident for 20 years and have enjoyed the peace and tranquility that my neighborhood affords me. You've heard the many concerns so I would just highlight my four major ones.

The density of the project. You've heard that our community consist of single-family homes, whereas the proposed

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project is four-story townhomes. It does not fit in the character of our neighborhood.

The other concern for me is public safety and emergency equipment. Although we've seen the study that they say, I guess, that the equipment would fit and emergency would be able to fit that area, but I'm really still concerned about that. If there were two medical emergencies or safety emergencies occurring at one time, I really would think one would have to suffer.

The other is the green space versus concrete space. Most of our homes have a significant amount of green space. We have spacious front yards, back yards. Our streets are lined with mature trees and foliage. The project proposed would replace undeserved green space with concrete and asphalt.

Lastly, quality of life for me is the biggie. I have been a resident for 20 years. I enjoy the peace and tranquility of my home. My home is my sanctuary. My

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daughter can ride her bike safely down her street with minor disturbance.

However, with the proposed project having one entry and exit point less than 500 feet from my home, that really poses a concern for my daughter's quality of life as well. The sounds of the birds chirping would be replaced with engines, horns and noise.

The trees and foliage would be replaced with townhomes, concrete, and asphalt. This is not the environment that I want to live in, nor is it the reason that I purchased our home some 20 years ago in the Gateway community. I respectfully ask you to reject this case. Thank you for listening to me.

CHAIRMAN HOOD: Okay. Thank you very much.

Mr. Smith.

MR. SMITH: Good evening. My name is Gilbert Smith. I live at 2915 Adams Street, N.E. As was stated from my wife, we

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are residents that live directly behind the proposed development which we would be significantly impacted by this project.

I've sat through numerous presentations and meetings related to the development. The community has documented the flaws of the map amendment process. The development team has continuously stated that we agree to disagree.

This evening I come before you to express my opposition to the latest proposed development. My preference is to leave the land as is inclusive of the existing zoning. While land owners should be afforded the opportunity to develop their land, it should be done in line with the character of the neighborhood.

The concerns I have with the project include the number of units and the types of units being proposed which are townhomes. Other concerns include damage that can occur to older homes from construction,

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noise, air quality, parking, traffic, and disturbance of wildlife.

The traffic expert has stated that only 18 trips would occur from the 26 units. The developer's original and revised plans fail to adequately address these concerns.

The proposed development should not follow a cluster plan but should follow existing low-density residential zoning with open space consistent with the rest of the neighborhood.

The neighborhood currently has real character and consist of single-family homes of approximately one-and-one-half story in height versus the two stories stated by the architect.

The neighborhood also has two lots per home open green space inclusive of front and back yards. The proposed development includes four-story townhomes with little or no green space. The architectural design of the proposed homes is inconsistent with that of existing homes.

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When the lots are subdivided, they should follow minimum lot sizes, setbacks, and widths that are consistent with the neighborhood. The proposed development would support approximately no more than 12 units of single-family-detached homes.

However, the proposed development is much larger. The size of the proposed development has inadequate parking and creates increased traffic. In addition, 30th Place currently has issues with storm water runoff that could worsen with the proposed development. Many of the older homes may have interior and exterior settlement damage from construction.

The new owner actually has not kept the lot clean and cut during the ownership. We actually had a neighbor that had a fire and the fire department had a problem getting in the alley to take care of the fire.

Lastly, the environmental impact

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and dust created by such construction may impact the health of homeowners. For these reasons mentioned, the Zoning Commission should not approve the zoning changes and variances requested by the developer.

CHAIRMAN HOOD: Thank you very much.

Let's go to Chairperson Smith -- I'm sorry, Manning.

MS. MANNING: Good evening. My name is Jacqueline Manning. As the Single Member District representative I am supporting the Gateway community opposition for the Bundy project.

ANC-5B was not given the opportunity to review nor make comments on the updated plans. As of today the members of the Commission have yet to receive any copies of the updated plans.

The actual plans were sent to my place of employment last Thursday, February 16th. As the Single Member District and the

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Chair information is normally sent to my home address within the allowable period.

Furthermore, the Commission has not had the opportunity to have a public meeting to discuss the plans. Therefore, ANC-5B's position is that the Bundy project be delayed so the full Commission can weigh in.

Thank you.

CHAIRMAN HOOD: Thank you.

Elena Gaona.

MS. GAONA: Hi. My name is Elena Gaona. I moved into the Gateway neighborhood about two-and-a-half years ago with my family.

Thank you for this opportunity to share with you some of my family's concerns with the development project in our neighborhood of Gateway in Northeast D.C.

We are here to support our neighbors who live most adjacent to the property because what is happening to them could happen to any of us if the way this project was handled is any indication.

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We believe that the most affected families never had a chance to voice their concerns at a point where it would have made a difference. It is our understanding that when Ms. Bundy selected this plot of land next to our homes for her development, she approached the D.C. City Council to get the plot changed from low density to medium density. That was setting the wheels in motion for this development.

There was only a general notification done of this change, one that went unnoticed by our entire neighborhood. However, based on that change where the developer got a specific chance to pinpoint and prep her property for development early on, but residents had no early chance to weigh in. We are now here today with a development that seems very likely.

This despite the numerous concerns that the neighbors abutting the property have raised as far as the impact to their daily

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lives, as well as the concerns that the entire community has raised time and again about the general impact of the project on our larger neighborhood.

While we have had numerous meetings with the developer, the Office of Planning, and delivered a petition to your Board, it is as if our community's concerns have gone largely unheeded.

My main point is that any family that is so directly affected, and we are talking about in many cases seniors who have lived in this quiet neighborhood for decades, the individual notifications of changes to zoning that will affect them so closely should morally be done as early as possible.

As residents we should have at least the same head start as the developer on the direction of the neighborhood we live in.

Thank you for your consideration to our thoughts.

CHAIRMAN HOOD: Thank you.

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Lou McKinney.

MR. MCKINNEY: My name is Lou McKinney. I've been in the Gateway community since October of 1977. I have my letter here but I want to speak straight from the heart.

I have a problem with the way the proposals have come down and some of the statistics that have been brought before us. Initially we were told that there were going to be -- there was a proposal for 40 something units.

It was no way that you are going to get 40 something units on that parcel of land when currently you're talking about only 26 units in a 16-foot space for each house. There's no way you are going to get 44 square feet -- I'm sorry, 44 units on that land.

The other statistics that I disagree wholeheartedly is the fact that the stuff about the traffic. I'm retired now and I sit out front every morning. Yeah, we don't get that much traffic. In my opinion, I don't

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want anymore traffic because that would bring speed bumps.

You will have people going up and down the street. We are already in the process of having a shopping center built down the street. I agree that the project can move along if Ms. Bundy would be willing to compromise with the neighborhood and decrease the amount of units that they are proposing.

I think that is the only solution.

Currently as it stands we are in total opposition of 26 units. I think the size of that lot that would be one of the things that we can come to closure with. Thank you.

CHAIRMAN HOOD: Thank you.

Last is Ms. Tonya Johnson.

MS. JOHNSON: Good evening. My name is Tonya Johnson and I've been a resident at 2154 30th Street, N.E. for about 10 years.

My husband and I chose the neighborhood to raise our two then school-aged children because it was quiet in the back of the home,

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faces a wooded haven for foul and fawn that the city often neglects.

My neighborhood is still quiet with neighbors who make every effort to maintain their homes and are vigilant to support one another's well being.

I wrote this letter to express my concern regarding the proposed development of the property behind my home. One is that I'm an avid biker and runner and I use the alley to transport my bike when I go from the arboretum to the Bladensburg waterfront. I'm really concerned about the change in the traffic patterns.

My son is a skateboarder and he uses his skateboard. Both of us use public transportation and use our bikes. I'm really concerned about the traffic patterns that's going to affect my neighborhood.

One of the pictures that you actually showed, Exhibit 4, is my house. They show the three to four feet from the front of

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the home but they didn't show the back of our home.

I have a retaining wall from my property to my backyard because it sits down in a slope to prevent the runoff from the clay that is actually what the soil is comprised of in the back of my yard. I know because I'm also a gardener and I have to create raised beds so it's a huge issue.

The land that they are proposed to develop on sits on a hill and if they choose to tear off feet of that land, it's going to cause damage to my home. I'm really concerned about that. In addition to that, they will be able to see into my home. I can stand on the hill now and take pictures and see into my office and my son's bedroom so I'm really concerned about that, about the safety.

I'm also concerned that the green space in itself, the natural green space, is going to create an imbalance in the environment. There are currently birds and

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other animals that live back there and they are going to come into our home.

We already have tons of cats that protect us from the field mice but I'm concerned that we are then going to get raccoons and opossums and other animals that are going to flood into our homes because this space has been torn apart.

I'm also concerned -- yes, I am a tree hugger -- about the trees that may be destroyed. There is an issue with parking during the day. There are times that I do work from home.

I'm an educator so I do work from home. We are competing for parking during the day from Metro because their bus barn is nearby and from the construction company that sits on Route 50 so that's a huge issue.

In addition to removing the trees and creating a concrete wall on the outside, it's going to cost for us to have difficulty and the air quality being clean and it being

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quiet from the commuting noise. We've had issues in the past with people trying to use our block as a through-way to jump onto 50.

Thankfully it's a cul-de-sac so they are backed up. There are three clubs within walking distance of our neighborhood so late night people are driving through the neighborhood trying to jump back onto 50 to get to wherever they live from this pubs so it's loud music and all kinds of noise and unwanted crime and activity that happens as a result of people thinking they can run through our neighborhood. Thank you so very much. I appreciate it.

CHAIRMAN HOOD: Okay. Thank you all very much.

Any questions up here?

Let me just ask Mr. Smith. I probably should ask this of either the president or the vice president. Typically, Commissioner, we always hear from everyone who is in opposition. We hear from them but

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sometime in the neighborhood, and I'm pretty familiar with that area.

It looks like the whole neighborhood is actually here, but sometime in that neighborhood there may be one person that's in support. Do you know of someone, one of your neighbors that you may have talked to in that area, that may be in support?

MR. SMITH: No, I do not.

CHAIRMAN HOOD: Thank you very much.

Commissioners, any questions of this panel?

Commissioner May.

COMMISSIONER MAY: I have a question for Commissioner Manning. The first is did the ANC receive any kind of notification of the change in the Comp Plan to allow for this greater density development?

MS. MANNING: No, we did not.

COMMISSIONER MAY: There was no notice whatsoever to the ANC?

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MS. MANNING: No.

COMMISSIONER MAY: Okay. I'm very surprised to see that there has never been any presentation of this project to the ANC at any point. Is that correct or am I --

MS. MANNING: Let's paddle back a little bit.

COMMISSIONER MAY: Okay.

MS. MANNING: From the beginning there was a presentation for them to sit down with the Single Member District level with the community to go over the initial project. That was in late 2007, 2008. There was a time period where Ms. Bundy had sat on the project, I guess, because of the economy situation that we did not hear. Last year that's when they came back again.

That's when they started doing the working session with the groups. There was conversations with that. They know the Commission is suppose to get a copy of

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everything that they do. I did attend a few of their working sessions with the community, the group that was assigned to that to see those plans. The plans were not sent to the full Commission.

COMMISSIONER MAY: It's typical for us to receive a report from the ANC that is based on a presentation made by the applicant to the ANC in which the ANC takes a vote.

MS. MANNING: Correct.

COMMISSIONER MAY: And you're saying none of that actually happened?

MS. MANNING: No.

COMMISSIONER MAY: Okay. Thanks.

CHAIRMAN HOOD: Okay. Any other questions of this panel?

COMMISSIONER COHEN: I don't have a question. I just have a comment. It's unfortunate that the DDoT guys aren't still here because you need a sign saying, "No way through to Route 50." That might be something

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you want to bring up with them as a separate issue.

CHAIRMAN HOOD: Okay. I have one question for Commissioner Manning.

Commissioner Manning, were you an ANC commissioner in 2006?

MS. MANNING: Yes, I was. I was a commissioner when it first started because --

CHAIRMAN HOOD: 2006?

MS. MANNING: 2006?

CHAIRMAN HOOD: 2006.

MS. MANNING: No.

CHAIRMAN HOOD: Okay. And that's when that map amendment went in, Commissioner May. I just wanted to correct that.

Okay. Thank you.

MS. MANNING: Um-hum.

CHAIRMAN HOOD: Does the Applicant have any cross-examination?

Let me ask you this, Chairperson Manning. I'm going to pick on you since you are the Chairperson. Again, the same question

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I asked. I know Ms. Bundy and the Applicant are probably saying, "Is he crazy? We done met 300 times." Do you see any advantage -- obviously ANC-5B has not had a presentation.

MS. MANNING: We have not had a current presentation. No, sir.

CHAIRMAN HOOD: Okay. What would it take -- could you facilitate that and facilitate having a meeting and having that done quickly?

MS. MANNING: Having it done quick?

CHAIRMAN HOOD: Is it going to last three or four months?

MS. MANNING: No, not to last three or four months. I think it should be a quality presentation that there is a compromise and agreement for the community and the developer.

CHAIRMAN HOOD: Let me just say this. It would be nice to have -- it would be nice for all that. I want to make sure the

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ANC has a presentation so what I'm asking is that if you have to call a special meeting could you do that?

MS. MANNING: We have a meeting -- we have a public meeting next week but how can we call a special meeting if we have nothing to look at?

CHAIRMAN HOOD: I'm trying to help you. I'm trying to help you right now. That's what I'm asking.

MS. MANNING: Okay.

CHAIRMAN HOOD: If you --

MS. MANNING: They can present it out.

CHAIRMAN HOOD: They may not be able to come next week. Trust me. I don't want to get them up here and then not be able to talk to you because once they come up and do rebuttal, we'll be able to have a cross on rebuttal. What I'm asking you now is if need be could you call a special public meeting for a presentation by this Applicant? Just say

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they can't make it to your meeting next week.

MS. MANNING: But -- if they can't make it to that meeting, with time allotted for us to have a special meeting we can do that.

CHAIRMAN HOOD: Okay. Good.

All right. I thank this panel very much. It's greatly appreciated.

Okay, Mr. Freeman. Let's do closing -- I mean, rebuttal and closing. I would also like to know if the Applicant -- you heard me talk about the meetings with 5B and the civic association, however to work it out. Is the Applicant amenable even if they could make their meeting next Thursday. If you can answer all that in rebuttal and closing, that would be great.

MR. FREEMAN: I've got a lot to cover so please bear with us. Let me start with Commissioner Manning and I spoke. Let me start with respect to the ANC question.

CHAIRMAN HOOD: Ms. Bundy is not

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coming back to the table?

MR. FREEMAN: We're going to try to respond directly to some of the questions and comments that have been raised. That's why we're going to have Dorrie who works with Ms. Bundy respond to some of those comments which are kind of directly more within his realm.

Let me start with respect to the ANC. I want to be as gentle as possible. I emailed the ANC six times starting in December asking to put us on their agenda. I received either no response or a response that said, "We'll try to get you on next month." I have a copy of those emails.

CHAIRMAN HOOD: Who responded?

MR. FREEMAN: Commissioner Manning.

CHAIRMAN HOOD: Okay. Thank you.

MR. FREEMAN: We weren't placed on the agenda after six emails. Nonetheless, we went to the ANC on February 2nd and sat

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through the entire ANC presentation and we were granted about three minutes at the very end.

We used that three minutes. We did as much as we could within that presentation and within that amount of time to present the plans that we had. We have done everything possible within our scope to present at the ANC.

With respect to changes in the plan since February 2nd, we met with the ANC on February 2nd. After that we met with Mr. Hunter and the Gateway Civic Association again trying to further refine the plans to address some of the issues.

The plans you see tonight, the only changes are that we further modified like the articulation, the materials, the colors, things of that nature. Those are the only changes with respect to the plans from February 2nd and February 6th or 8th, whatever date that meeting was at the Gateway Civic

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Association.

At that meeting on February 2nd I personally gave a number of people a copy of our plans. On Thursday upon receiving notice at the ANC we sent everything to the ANC. I received a call on Thursday saying, "Oh, we moved. That's why we didn't get any of your stuff."

I personally sent it to Commissioner Manning everything that we filed which, by the way, is in the public record. We haven't tried to present to the ANC. The ANC hasn't seen anything. That's not completely straight forward.

CHAIRMAN HOOD: So what I'll do then I will withdraw my request because you have evidence where you tried to contact them.

I'm going to withdraw my request because at the end of the day I have to be fair to the Applicant also.

The other thing is what about Gateway?

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MR. FREEMAN: We have met with the Gateway Civic Association and, as Mr. Hunter said in his letter, on a number of occasions.

I can go through our calendar and look at the dates we met with them. As you suggested, we've made a lot of changes.

Keep in mind the project started at 44 units so we are down with a 45 percent reduction. We have met a number of times. The project at that point had 18 parking spaces. We've increased it to 30 plus 12 useable so 42 parking spaces are included.

We've met and we've made a number of changes over the past two years. We are happy to meet again. We are happy to present our case. We don't shy away from meeting but, you know, we presented our case. I think our case is clear in terms of how we meet the standards.

We understand what their case is and we'll talk about that in more detail as we go through our rebuttal. Again, we are happy

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to meet again. I heard some people say don't build anything. I heard some people say build 12 single-family units. I heard some people say build 10 to 14 townhouses.

We are getting kind of pushed and pulled in a number of ways. Plus the site is pushing and pulling us; the infrastructure cost, trying to build a project that can actually sell. We have to deal with those realities as well which Mr. Winkelman and Mr. Oliver will talk about when they go through their testimony.

Again, we are happy to meet as many times as possible but we don't want to use continual meetings as a way to delay the process so that we can't move the project forward.

CHAIRMAN HOOD: Well, here's where I am and my colleagues can jump in on this. I want to talk about the meeting issue. You've stated on the record that you emailed 5B six times trying to get a meeting with them. If

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that's the case, if you have evidence, provide it that you tried.

I would like that for the record.

If that's the case, then I'm not going to ask you to reconvene with the ANC-5B. But I will do is I've heard from the president and the vice president speaking in terms of they think that it would be a good turn. I will just ask.

You don't have to. I can't demand that you still meet with the Gateway Civic Association. If you don't, again, I'm leaving it up to both groups. You meet, you don't meet. End of the day we'll make the decision.

Thank you. Go ahead with rebuttal.

COMMISSIONER MAY: Mr. Chairman, you were interested in hearing from us, too, I think?

CHAIRMAN HOOD: Not you. No, go ahead.

COMMISSIONER MAY: I'm still interested in hearing what the ANC officially

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has to say about this project. If they have received materials on it, it may not be the best basis upon which to send us a report but it is some basis upon which to send us a report. If they are meeting next week, they can send us a report.

It may be in the Applicant's best interest to try to make a presentation so they get the best possible report out of it. I am very interested in hearing what the ANC has to say as a whole officially about this project.

CHAIRMAN HOOD: I'm just not putting the burden because --

COMMISSIONER MAY: I understand. I understand.

CHAIRMAN HOOD: -- back out to ANC to respond. I think that is very disingenuous for me. I'm talking about me to do that since I brought it up. I want to make sure I'm considerate. But I would agree.

If ANC wants to weigh in on the project and if the applicant wants to

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eventually show up at their meeting and try to present, which I understand they had three minutes, and if the ANC wants to weigh in on a project they haven't seen.

Whichever way they want to do it they can do it. I don't want it to look like I'm making the -- I'm saying -- putting any pressure on anybody to meet.

COMMISSIONER MAY: Right. Well, I mean, especially where the pressure needs to be in order to facilitate the meeting. I think the real question that we are wrestling with here is whether this is an appropriate development in an appropriate zone for this site that's not inconsistent with the Comp Plan.

I think it's important to hear from the ANC about what their opinion is. As you said in the very beginning, we're talking about an ANC that is not regularly before us on cases like this and may not be fully familiar with the ins and outs of presenting

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testimony and making sure that their voice is clearly heard.

CHAIRMAN HOOD: Okay. All right. Again, I think everyone has heard the direction. Not necessarily direction. Let me use a better word. Have heard our request and whatever we see, whatever the dates, that's what we see and we'll deal with it from there. Okay?

MR. FREEMAN: Thank you.

CHAIRMAN HOOD: All right. Thank you. And, again, Chairperson Manning, I think Commissioner May is saying if you all want to weigh in whether they come and give you a presentation or not, you can still weigh in but you want to have the full quorum of the ANC so you can give it great weight.

Okay. Mr. Freeman, you may begin.

MR. FREEMAN: So what I thought we would do is we would start from left to right. We obviously heard a lot of points. Some of those points, by the way; trash, health,

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construction management, we'll deal with all of those issues as we go through the permit process.

As you know, when you follow a building permit you have to include a construction truck turning plan. You have to include soil, dirt erosion management control plan.

All of those issues we will be addressing during the appropriate permitting process. I'll have Mr. Oliver just kind of go through some specific points that were raised with regard to water and other issues.

MR. OLIVER: I would like to reiterate one more time that this is a very challenging site from topography to site access.

The project has been designed to this point and will be designed with the final building permit plans to meet all applicable District of Columbia construction and utility requirements including Department of

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Transportation, Department of Environment to include erosion control and storm water management, D.C. Water, the Fire Marshall and EMS codes as well.

If you look on sheet C3 of the site plans, the civil site plans, the site is graded to collect the runoff produced on the site with a series of inlets in both the alleys, the courtyards, and the streets that will direct the storm water into the proposed storm water management facility for storage and treatment prior to exiting the site to a storm drain collection pipe that will run under 30th Street, N.E. No storm water will be directed to off-site properties with this development.

Storm water quality and quantity treatment will be handled in a combination storm filter vault and approximately 112 feet of four-foot diameter storage pipe.

I want to reiterate that 52 percent of the total area of the site is green

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space and we are only paving the areas necessary to accommodate vehicular access in and through the site. On sheets C7 and C8 of the plans we show the turning movement exhibits for the new street, the widened alley.

They have been sized to accommodate two-way traffic for 30th Place, the internal streets, and the alley. These will provide sufficient turning movement for fire trucks and garbage trucks.

Finally, I want to address the comments raised about reducing the number of units for the project from an infrastructure cost standpoint. The infrastructure cost for this site is approximately \$1.44 million.

Infrastructure includes clearing and grading of the site, installing retaining walls, installing the wet utilities; the sanitary, the water, the storm drain.

Installing the dry utilities; Pepco, Washington Gas, Verizon. And also

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constructing and widening the streets and proposed sidewalks and alleys.

Although some of the cost would be slightly reduced with fewer units such as fewer wet and dry utility taps, given the requirements to clear the site to provide a new 25-foot-wide street, widening the existing alley from 15 feet to 20 feet, cluster the units due to the steep topography, the total infrastructure cost for a proposed plan or alternate plan of 10 to 14 units are practically identical.

The infrastructure cost for the submitted plan are approximately, like I said, \$1.44 million which amounts to about \$60,000 per lot. The infrastructure cost for 10 to 14 units would be approximately \$1.4 million which amounts to about \$140,000 to \$100,000 per lot.

Therefore, reducing the proposed development from 26 residential units located on 24 lots to 10 to 14 units and lots would

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increase the infrastructure cost per lot by approximately \$40,000 to \$80,000 per lot.

MR. FREEMAN: Now we will have Mr. Winkelman testify unless there are any questions.

MR. WINKELMAN: Good evening, Mr. Chairman and members of the Commission. My name is Doryan Winkelman and I am an associate and member of Bundy Development. I am here, first part, to briefly go over a letter from Ross McWilliams of McWilliams Ballard. We tasked him to look at two jobs for us.

One, townhouse values in the neighborhood. And, two, in response to our February 6 meeting with Gateway Civic. What would the prices for a single-family detached community of 10 to 14 homes look like in terms of pricing.

Mr. McWilliams' first conclusion was the townhouse market in the neighborhood is mid \$200s to mid \$300s. His second conclusion driven by, in part, the

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infrastructure cost that Mr. Oliver has referred to, plus embedded raw land cost, plus embedded cost of consultants, plus the greater cost of building a single-family detached home versus a townhome.

We felt for a community of 10 to 14 single-family homes we are in the price range of \$550,000 to \$600,000. Mr. McWilliams' evidence is that there is one sale, I believe, in the last year over \$500,000.

His conclusion is, I'll read this, "The developer has informed us that fewer homes and cost spread over fewer units prices would have to range from \$550,000 to \$600,000 to move forward.

It is our opinion that based upon our research of the market and given the recent sales in the area, pricing any new residential units at that level is unfeasible at this location and these new homes would be overpriced and would not sell." Thank you.

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MR. FREEMAN: So there's -- the point of that is there's some testimony that the Applicant is just trying to construct as many units as she can in order to make as much money as possible. There's some testimony that, oh, we can just go ahead and cut the number of units in half.

I think what you are hearing Mr. Oliver say and Mr. Winkelman say is that given there are a number of fixed cost associated with developing a project infrastructure, construction development, etc., decreasing the number of units would require the sale price of those fewer units to be priced much higher in order to support the project.

However, pricing the units at those price points wouldn't work because the market does not support units of those prices.

That's what I think we are trying to show here.

Our architect is going to talk a little bit more about the design and how

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character -- I'm not an architect. I'm not a planner but planners in the city have recognized compatibility doesn't mean your new building has to look exactly like existing buildings.

Our architect. Mr. Pichon, is going to talk about that a little more.

MR. PICHON: Thank you. The District has defined compatibility to mean it is achieved through careful attention to the following design principles. Those would include things like scale, proportion, rhythm, massing, materials, colors, roof shapes, details and ornamentation.

Compatibility does not mean exactly duplicating the existing buildings or environment. A new building should be seen as a product of its own time. I think what we have done in this case, as I testified earlier, is that we've tried to take cues from the community in terms of detail ornamentation, roof shape, colors, materials.

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We've used those principles to deem the fact that we are trying to make a compatible design, not a mimic or a duplication of design but a compatibility of design. These are principles that are recognized by the District of Columbia.

CHAIRMAN HOOD: While you're talking, could you put that PowerPoint presentation of the project? I understand you're not mimicking. I mean, I understand that. I understand what character is and I understand compatibility.

I'm sure my colleagues all understand. We understand that, but I want to look at that and I want to hear you tell me that you looked in that neighborhood. Then I guess maybe I just need you to specifically tell me what did you get -- I mean, is that an interpretation?

Did you just visualize that? Could another architect come and do something totally different and say the exact same

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thing? Yes. That's not actually what I want.
It's cartoonist.

MR. PICHON: I was going to start with the existing photographs of the neighborhood and the elements or details that we were pulling from some of the surrounding houses. We looked at the roof lines. We looked at the shapes of the houses. We looked at the gable pitches, the front porches. We looked at the size of the columns that were supporting the front porches.

We've looked at the size of the columns that were supporting the front porches. We looked at how they used -- how the existing houses used dormers to add different shapes to the roof line.

We also looked at the way the roof eaves are detailed in terms of using brackets and things of that nature to add detail and character to the front facades. When you look at the design that we are presenting today, we've emulated some of those details and

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ornamentations in terms of the roof lines, the brackets that we provided at the roof eaves.

We've also used -- at the porch lines we've increased the size of our columns to be more in character with the typical bungalow style porches that front the existing houses.

We've tried to create different roof lines at the top of our buildings that would be compatible in terms of what you would see on the other houses in terms of the gable rooftop peaks and some of the shed roofs that we've incorporated into our designs.

I would also like to go back to the setbacks that we are providing and further expand on where we are in relationship to the existing houses. Right now we are approximately between 75 and 85 feet from the rear of our structure to the rear of the neighboring houses.

This is through our rear yard space, the expanded alley, and their existing

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rear yard space. All that totals up to somewhere between 75 and 85 feet, which is closely related to the distance between the houses, the fronts of houses on 30th Place -- I mean, 30th Street, the separation between the existing houses.

We've tried to look at our setbacks in terms of what setbacks exist in the neighborhood right now and try to keep closely aligned to the setbacks.

We're not proposing anything that's too close to the existing houses. We are actually proposing something that's similar to the setbacks that you have between -- the right-of-way you have between the existing houses on the existing streets.

As far as the heights go, we are approximately, I would say, one story above the existing houses in terms of our height versus their height and the houses that are directly behind the neighboring properties. You take that 10 to 12 feet over an 85-foot

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distance. That triangle of view is diminished the farther you go away from that.

In my opinion, we are not designing a towering effect to the existing houses. We are actually -- we have placed the taller houses in our development the farthest away from the existing houses and we've tried to keep the lower houses closer into the existing houses. That speaks to the proposal.

MR. FREEMAN: Unless there are any other questions, I would like to have our traffic expert -- there were some continued comments about parking and traffic. I would just like to have our traffic expert repeat a couple of key points.

MS. MILANOVICH: Thank you. I would just like to reiterate that the proposed development is not expected to be a significant traffic generator. As I testified to earlier, the 26 units are projected to generate 18 trips during the morning peak hour, 20 trips during the evening peak hour.

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It's important to note that we are talking about a single hour in the morning, a single hour in the evening when we talk about those trip generation numbers. It's also important to understand not all residents will leave in a single hour in the morning.

Not all residents will arrive home in a single hour in the evening. You've heard a couple people question why it's only 18 trips in the morning, why it's only 20 trips in the evening.

We are looking at a single hour so that's why there is a discrepancy between the 18 trips, 20 trips, versus you heard some people question why it wasn't 26 or 52 trips.

I just wanted to clarify we are looking at a single hour. Not all residents leave in one hour in the morning. Not all residents arrive home one hour in the evening.

We did conduct a level of service analysis at some key intersections in the neighborhood. Under existing conditions those

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intersections within the adjacent neighborhood operate at a level of service A which indicates that there is more capacity there than those intersections than there is currently demand.

With the minimal amount of traffic that is going to be generated by this proposed development, the levels of service at those intersections will remain at level of service A, again during the morning peak hour and during the evening peak hour.

In terms of parking, the proposed parking supply is 15 percent higher than that required by code. If we take into account the 12 non-regulation spaces that are being provided, the proposed parking supply would actually be 62 percent higher than what is provided by code.

Based on our analysis, which I went into detail about earlier, we believe that this parking supply is sufficient to accommodate the day-to-day parking demand of

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the proposed project.

Additionally, we did conduct the parking evaluation in the adjacent neighborhood. We physically went out on a weekday evening, on a Saturday afternoon, and a Saturday evening and physically counted the number of cars parked on those streets. Based on our evaluation, less than 50 percent of the parking spaces available were occupied during the peak times.

I would also like to note according to DDOT that the residents of the proposed development would not be eligible for the RPP parking program, the residential parking permit program, because they would be addresses on a private street.

The residents and visitors alike of this proposed development would be subject to the two-hour parking limitation during the hours that the RPP is in effect.

CHAIRMAN HOOD: Are you finished?

MR. FREEMAN: That concludes our

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rebuttal unless the Commission has any additional questions.

CHAIRMAN HOOD: I think we have a few.

Commissioner May.

COMMISSIONER MAY: I have just a couple quick ones.

Ms. Milanovich, the immediate surrounding streets are all signed for RPP?

MS. MILANOVICH: Yes, that is correct. I believe from 7:00 a.m. until 8:30 p.m.

COMMISSIONER MAY: Okay. And it's all of the ones that are in very close proximity? There aren't any gaps in the RPP in the immediate vicinity?

MS. MILANOVICH: Not in the immediate vicinity. I think there's only one or two in the entire neighborhood that aren't signed and those are to the north.

COMMISSIONER MAY: Okay. That's good.

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Now, Mr. Freeman, I'm not sure how critical the financial argument is to the relief that you're requesting but it's not uncommon in a BZA case to be presented with a more detailed proforma for the development to demonstrate the financial need.

If you believe this is important to your case, then it may be in your best interest to provide more information along those lines. What we have here, I believe, is incomplete. I mean, it's helpful.

It's informative but I don't think it's enough information upon which to base a real judgment about whether 26 really is the minimum number of houses that are necessary or not. That's just my sense of things.

CHAIRMAN HOOD: Any other questions?

Mr. Turnbull.

COMMISSIONER TURNBULL: Yeah. Ms. Milanovich, I was just looked at your exhibit figure 1. 30th Street has no RPP.

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MS. MILANOVICH: Yes, I'm sorry. I was just noticing that and was going to correct myself. I misspoke. 30th Street adjacent to our site currently does not have any RPP restrictions.

COMMISSIONER TURNBULL: Which would probably be the main street that people from this area would park on.

MS. MILANOVICH: Well, you would --

COMMISSIONER TURNBULL: Not necessarily.

MS. MILANOVICH: Assuming people wouldn't cut through other people's yards you would have to walk up to Adams Street and then back down into the proposed development. I think it would be more logical to park on 30th Street just north of Adams.

COMMISSIONER TURNBULL: Okay.

MS. MILANOVICH: Or potentially Adams Street just east of 30th. I think those would be the more logical.

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COMMISSIONER TURNBULL: I wonder why that one street does not have RPP? All right. Thank you.

COMMISSIONER MAY: RPP is established based on the neighbors requesting it.

COMMISSIONER TURNBULL: So they could require --

COMMISSIONER MAY: You get a certain number -- you've got to sign a petition.

COMMISSIONER TURNBULL: So the neighbors could require RPP on 30th Street there.

COMMISSIONER MAY: Yeah.

CHAIRMAN HOOD: And the new residents also could if that happens. They could do the exact same thing. Anyway, zone RPP I believe works because you see people that live in 5 live -- they live on one side of 5 that has that RPP. I think maybe they have narrowed it down even more.

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COMMISSIONER MAY: I think Ms. Milanovich was saying -- someone said. I'm not sure who said that the residents of this development would not be eligible for RPP because they live on a private street. I believe that is correct. I've encountered that in other cases.

CHAIRMAN HOOD: I see the well-known Parney Jenkins shaking his head, but he also cited some -- he was the one -- those smooth streets you used to ride on years ago, he was the one who had a lot to do with that.

I do know he cited a case that was really horriffic. He cited a case, I think, in Blair Road about some issues. I'm sure he knows exactly what he's talking about. Anyway, that's beyond the scope of this case.

Any other questions on cross, Commissioners?

Okay. Does the ANC have any questions, any cross-examination on rebuttal?

Any cross on the rebuttal statements? You

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can come forward and ask.

MS. MANNING: This question is to Mr. Freeman regarding the ANC public meeting that you attended. That three minutes we asked you, did we not ask you what you were trying to present to the Commission had it been before the Gateway community?

You said no. We said you had to go back to the community to present it. Delano Hunter was in the audience. That's how the meeting started. You all made the initial meeting for that Monday.

MR. FREEMAN: I think the answer is yes, you did say we need to meet with Gateway again and we did meet with Gateway again.

MS. MANNING: At the meeting. You came up with the plans because we told you we would not be able to present because those were new plans that the community did not see.

MR. FREEMAN: I guess I would start a little differently. I would say we

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asked a number of times to get on the ANC's agenda. We never got a response that said before you can get on the ANC's agenda you need to meet with the Gateway Civic Association.

However, during that same period of trying to get on the ANC's agenda, to be frank, we were also trying to get on Gateway's agenda as well. There was a time period in which we weren't getting a response from anyone. We did everything we could --

CHAIRMAN HOOD: Let me just interrupt.

MR. FREEMAN: -- have done to present our project.

CHAIRMAN HOOD: We can go down this line but let me just interrupt. 5B has went through some issues and I'm looking at your emails. Actually, the emails are doing and I look at them -- I just reacted on the six times when you send something to ANC.

Commissioner Manning was not the

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chairperson of the ANC in December. You sent it in December which everyone here knows, I always say around the holidays and July and August you don't do anything with the community of volunteers because, guess what? When you volunteer, we're on vacation.

I'm looking here and a lot of these -- in defense of her, a lot of these to her, first of all, she was not the chair. Second of all -- even though she was SMD commissioner.

Second of all, I'm looking here and it around the holidays because I see here in your comments you are wishing her a Merry Christmas and everything else. I'm sure she was enjoying Christmas. Three of these emails I'm going to discount. Personally I'm going to discount them because this was during the holidays. Let's be fair.

MR. FREEMAN: All I'm suggesting is that every attempt to get on the ANC's agenda, we were not put on their agenda.

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CHAIRMAN HOOD: But your presentation to me was six and I'm like if you call somebody six times and they don't respond to you, then I have a problem. Remember, these are volunteers.

MR. FREEMAN: Right. I said I emailed six times and did not get a response to the last three emails that I sent. I said I got two emails that said, "We'll try to put you on next month."

CHAIRMAN HOOD: The first one I see here, for the record, December 20th. It ends -- the last one was January 5th so you figure it takes community workers, community volunteers after New Years Day it takes them a couple days to get back into the game. I'm very well aware of that. Anyway, that's all I'm going to say on that.

Anything else, Commissioners?

Okay. You wanted to give closing remarks. Oh, I'm sorry. Did you finish cross-examination?

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MS. MANNING: I just had the one comment about the --

CHAIRMAN HOOD: On the rebuttal. We got it.

MS. MANNING: She corrected herself regarding the residential parking because Metro parks in that -- Metro workers park in that Gateway community so nowhere there are any residential parking stickers.

CHAIRMAN HOOD: We got it. Thank you.

Let's give your closing remarks.

MR. FREEMAN: Thank you for your time. I know it's pretty late but I think we hopefully had a full hearing and presented a full case. I believe we answered every question that has been presented.

All of our materials, in our view, indicate that the proposed zoning is consistent with the moderate density designation. All of our math and computations are consistent with how things are computed

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and we'll submit additional information with regard to lot occupancy and FAR computations.

We presented how we believe we meet the case for the variance and the special exception standards as set forth in the Zoning Regulations. We've done everything we could do to meet with the community.

We've reduced the number of units from 44 to 26 and we believe the project that we presented tonight is one which, again, meets the standards and hopefully we can move forward with the Zoning Commission to bring this project to fruition.

CHAIRMAN HOOD: Thank you.

Ms. Schellin, do we have anything that we're looking for?

MS. SCHELLIN: I'll go down the list and make sure that these are items that the Commission still wants the record open for.

Commissioner May made a comment about the Applicant maybe closing in the gap

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between the units which could possibly make the units 17 feet wide instead of 16 feet.

COMMISSIONER MAY: It's up to them to decide whether or not to study that or make any changes.

MS. SCHELLIN: Okay. Did you still want information regarding school capacity or was that answered with OP?

COMMISSIONER MAY: I don't think I got a very -- I mean, I know there was an attempt on the part of OP to get an answer on that. I also know that it is possible to determine enrollments and capacities of schools readily through sources that are available free publicly.

MS. SCHELLIN: So you still want that?

COMMISSIONER MAY: Yeah. And if you have any trouble, you can always call somebody like the 21st Century School Fund who knows a lot about school capacities. They know where to find the information. Actually

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the burden shouldn't really be on the Office of Planning necessarily.

MS. SCHELLIN: Right.

COMMISSIONER MAY: I mean, they can --

MS. SCHELLIN: I was just saying I wasn't sure if their response answered your question or not.

COMMISSIONER MAY: It should be clear on the record.

MS. SCHELLIN: Okay. Commissioner Turnbull asked for a report on the trees in the area.

COMMISSIONER TURNBULL: I think in the DDOT report there's language that sort of implies or says that's to be provided by the Applicant.

MS. SCHELLIN: Okay. Commissioner Hood wanted to know what is the difference between this case and the Albemarle case. Commissioner May asked for revised FAR and lot occupancy calculations. Commissioner May

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actually asked DDOT to provide whether the road configuration is a safe alignment.

Also, I don't remember which Commissioner but I believe it was unanimous that the record would be open to allow the ANC to provide a report. Mr. Olney asked if he could provide revised testimony. The last thing I have is Commissioner asked for maybe a proforma on the project. That would be it. Other than that, the record would be closed.

COMMISSIONER MAY: Again, the proforma it's up to the Applicant to decide whether or not to submit that or decide what information they want to submit.

MS. SCHELLIN: So I would ask Mr. Freeman if he could do this in two weeks.

Mr. Freeman, hello? Two weeks? Okay. The record would be open for those items only until 3:00 p.m. March 8th. The ANC would have until 3:00 p.m. March 15th to provide a response to those documents only.

Then we would take this up at our

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March 26th meeting. I would also ask the Applicant to provide draft findings of facts and conclusions of law by the 15th, 3:00.

MR. FREEMAN: I missed the date. You said ANC response 3:00 p.m. on March 15th to respond only to items 1 through 9. Then you said proposed order by March --

MS. SCHELLIN: 15th.

MR. FREEMAN: 15th. And then you said decision would be?

MS. SCHELLIN: 3/26, 6:30 p.m.

CHAIRMAN HOOD: Anything else?

MS. SCHELLIN: That would be it.

CHAIRMAN HOOD: Again, those meetings that were mentioned, other than the response Commissioner May asked for, if they happen, they happen. If they don't, they don't.

Okay. Anything else?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: I want to thank everyone for their participation tonight, pro

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or con. We appreciate you coming down and taking the time. With that this hearing is adjourned.

(Whereupon, at 10:20 p.m. the hearing was adjourned.)

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